

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) CRIMINAL CASE NO. CCB-16-0267
DANTE BAILEY, et al.,)
Defendants.)
_____)

Thursday, March 28, 2019
Courtroom 1A
Baltimore, Maryland

BEFORE: THE HONORABLE CATHERINE C. BLAKE, JUDGE
(AND A JURY)

VOLUME VII

For the Plaintiff:

Christina Hoffman, Esquire
Lauren Perry, Esquire
Assistant United States Attorneys

For the Defendant Dante Bailey:

Paul Enzinna, Esquire
Teresa Whalen, Esquire

Reported by:

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1 For the Defendant Randy Banks:

2 Brian Sardelli, Esquire

3 For the Defendant Corloyd Anderson:

4 Elita Amato, Esquire

5
6 For the Defendant Jamal Lockley:

7 Harry Trainor, Esquire

8 For the Defendant Shakeen Davis:

9 Paul Hazlehurst, Esquire

10
11 For the Defendant Sydni Frazier:

12 Christopher Davis, Esquire

13
14 Also Present:

15 Special Agent Christian Aanonsen, ATF

P R O C E E D I N G S

(10:23 a.m.)

THE COURT: All right. Good morning, everyone.

So do you want to discuss the issue that arose yesterday?

MR. ENZINNA: Yes, Your Honor.

Your Honor, at the end of the day yesterday, we spoke in your conference room with counsel, yourself, and Ms. Moyé about an incident that occurred during the break yesterday with the jury and the spectators.

And I wanted to put on the record exactly what happened.

My understanding is this: That during Mr. Greer's testimony, Ms. Hoffman asked him if he saw Chicken Box in the courtroom, and he identified Chicken Box as someone in the gallery.

Ms. Hoffman then moved on, asked other questions, and sometime later we took a break.

At the conclusion of the break -- well, my understanding is that that was when the jury informed Ms. Moyé that they had seen someone do something in the gallery.

THE COURT: I believe that's correct.

THE CLERK: Yes.

THE COURT: It was during the break. They had seen someone in the gallery make a fist.

1 **MR. ENZINNA:** Correct.

2 And my understanding is that three of the jurors
3 reported seeing it, and they reported it in front of all of the
4 rest of the jurors.

5 **THE COURT:** Essentially, I think that's correct.

6 **MR. ENZINNA:** Okay. And I understand that Ms. Moyé
7 informed the Government about this at some point before our
8 conference at the end of the day.

9 **THE COURT:** And I informed the marshals as well.

10 **MR. ENZINNA:** And when -- was that during the break?

11 **THE COURT:** I believe so.

12 **THE CLERK:** Yes.

13 **THE COURT:** Yes.

14 **MR. ENZINNA:** And then after the break, we came back
15 and Ms. Hoffman showed the picture of Mr. Chicken Box and asked
16 Mr. Greer to identify him again.

17 **THE COURT:** Right.

18 To be clear, the gentleman that made the gesture was
19 not Chicken Box.

20 **MR. ENZINNA:** Understand. Understand.

21 Your Honor, on that basis, I would move for a mistrial
22 on the grounds of prosecutorial misconduct.

23 I believe it was misconduct for Ms. Hoffman to ask
24 Mr. Greer about Chicken Box being in the gallery.

25 The jury is -- the defendants are entitled to a jury

1 that's going to decide their case based on the evidence that's
2 put forward in court, not on anything that happens outside of
3 court.

4 And the fact that a person is in the gallery is
5 accused by the Government of being a member of the gang is
6 irrelevant, extraneous, and it's an improper influence on the
7 jury. I think it was improper to call their attention to that.

8 And I think there is no real solution for that because
9 the problem we have now is that we have a jury that -- several
10 members of which have seen someone in the gallery make a
11 threatening gesture toward a witness and all of whom are aware
12 of that.

13 So we have a situation where we have a jury that
14 either is aware of that extraneous evidence, which reflects
15 poorly on our clients; or the other option is under
16 U.S. versus Remmer or Remmer versus U.S. is to conduct
17 voir dire of all the jurors, which raises the specter of
18 worsening the situation.

19 So we find ourselves in an insoluble position, and on
20 that basis we'd move for a mistrial.

21 **THE COURT:** All right. And I am assuming everybody
22 joins in this?

23 **MS. AMATO:** Yes.

24 **MR. SARDELLI:** Yes.

25 **THE COURT:** Okay.

1 **MR. HAZLEHURST:** Your Honor, Mr. Davis has informed me
2 that he does not wish to join in this. I believe it may be a
3 tactical position that is vested in counsel; but, again, I am
4 noting that Mr. Davis does not wish to join in the motion.

5 **THE COURT:** All right. Ms. Hoffman.

6 **MS. HOFFMAN:** I want to start by drawing a clear
7 factual distinction between what happened with Chicken Box and
8 what was alleged to have happened with the gentleman in the
9 gallery who made a gesture at the witness.

10 Of course, Chicken Box is someone who comes up in the
11 evidence in this case. He was involved in a jail call that we
12 played yesterday. He was in the courtroom gallery yesterday,
13 and the witness did identify him as Chicken Box.

14 Over the break, our understanding is that three jurors
15 told the courtroom deputy, Ms. Moyé, that they saw a different
16 gentleman in the gallery -- they described the clothing that he
17 was wearing, and it did not match the clothing that Chicken Box
18 was wearing. They saw this gentleman make a gesture towards
19 the witness in the case.

20 When we went back on the record, I intentionally put a
21 picture of Chicken Box up on the screen for Mr. Greer to
22 identify who Chicken Box was to draw a distinction between
23 Chicken Box and the person who made the gesture.

24 So I think it is now clear that the jurors who
25 observed this, they are aware that the person who made the

1 gesture was not Chicken Box.

2 I think there are two questions that need to be
3 addressed here.

4 The first question is whether a question of juror bias
5 has even arisen.

6 And then the second question is: If a question of
7 juror bias has arisen, how to address that, whether additional
8 follow-up questions should be asked or instructions given to
9 the jurors.

10 And I think it's clear under Supreme Court and
11 Fourth Circuit precedent that the trial judge has very broad
12 discretion in determining the answers to both of those
13 questions.

14 The Fourth Circuit actually published an opinion just
15 yesterday --

16 **THE COURT:** Yes.

17 **MS. HOFFMAN:** -- on a similar issue.

18 And so it sounds like Your Honor's already familiar
19 with the case, but it was a slightly different factual
20 situation. There a juror notified -- on the third day of trial
21 notified the judge that she was scared of the defendants
22 because she had provided her personal information during
23 voir dire.

24 And the way Judge Bedard handled it was to ask very
25 broad questions of the jurors in the case, essentially asking

1 them whether they could remain fair and impartial.

2 The Fourth Circuit affirmed that approach, said there
3 was no error at all. The Fourth Circuit held [reading]: When
4 a serious, nonspeculative question of juror impartiality
5 arises, the District Court must determine whether the affected
6 jurors remain fair and impartial.

7 The Court held [reading]: As the trial judge is in
8 the best position to make this determination, the inquiry is
9 committed to his discretion, including ample leeway to
10 formulate the questions to be asked.

11 And the Fourth Circuit also pointed out that,
12 depending on how the questions are asked, they can actually
13 prejudice the jurors further, because they can highlight the
14 information; they can validate the juror's fears.

15 And so the Fourth Circuit in that case said that
16 Judge Bedar took a reasonable middle road between ensuring
17 that the jurors remained fair and impartial without
18 highlighting the particular juror's concerns in that case.

19 Here, turning to this case, our position, first, is
20 that what happened yesterday does not rise to the level of a
21 serious, nonspeculative question of juror bias.

22 So unlike what happened in Smith here, there's nothing
23 linking the jurors' observation, the man in the gallery who
24 made gestures to the witness, to the defendants in this case.

25 We don't know who that gentleman was. We don't know

1 whether he has any ties to the defendant. He apparently left
2 after the break. There haven't been any private
3 communications, contact, or tampering with the jurors. None of
4 the jurors have expressed fears about these defendants or
5 impartiality towards these defendants.

6 **THE COURT:** Right.

7 **MS. HOFFMAN:** And so we don't think that it even rises
8 to the level of a question, a serious, nonspeculative question
9 of juror bias.

10 If, however, Your Honor decides that there is a
11 question that has arisen, we ask that the Court do something
12 similar to what Judge Bredar did and simply ensure that the
13 jurors can remain fair and impartial, regardless what they
14 observed yesterday.

15 **THE COURT:** Okay.

16 **MR. ENZINNA:** Your Honor, I find it a little shocking
17 that after this incident occurred and after Ms. Hoffman learned
18 about it and after Your Honor explained to her that calling out
19 Mr. Chicken Box in the gallery was not the right thing to do --

20 **THE COURT:** I don't recall explaining that to her.

21 **MR. ENZINNA:** I -- that's what I understood you to say
22 during the recess yesterday, that -- okay.

23 **THE COURT:** No, no. And we have sort of two separate
24 issues here that I think you're raising for me. You've
25 suggested that it's prosecutorial misconduct to have asked

1 Mr. Greer when he was listening to a phone conversation
2 involving Edge, who I believe is Chicken Box, whether Edge --
3 or I don't recall the exact phrasing, but was this person in
4 the courtroom; and he said, "Yes." That is separate from this
5 different individual that made a gesture with his fist, which
6 is what the jurors observed.

7 **MR. ENZINNA:** Well, we don't know what the jurors
8 observed. We haven't heard from the jurors.

9 **THE COURT:** I can only go on what the jurors told
10 Ms. Moyé, which I thought is exactly what you related just a
11 little while ago.

12 **MR. ENZINNA:** Well, what I was told was that somebody
13 made a fist at the witness or made a fist.

14 **THE COURT:** Exactly.

15 **MR. ENZINNA:** I don't know what the juror said about
16 who did it, what he looked like, what he was wearing. I don't
17 know any of that. None of us know that. Ms. Moyé may know
18 that, but none of us do.

19 And I want to make clear that the prosecutorial
20 misconduct here goes beyond simply asking Mr. Greer to identify
21 Chicken Box in the gallery. I think to come back from the
22 break after all this happened and to take it upon yourself to
23 put Mr. Chicken Box's picture up on the screen and to redirect
24 the jury's attention to this I think is further prosecutorial
25 misconduct.

1 **THE COURT:** Okay. I'm denying the motion for a
2 mistrial. I am not finding any sort of prosecutorial
3 misconduct.

4 First of all, the Chicken Box, it is -- I don't
5 believe misconduct. I haven't been provided anything to show
6 me that it would be. It is a question of this witness being
7 aware that one of the people who's on the phone is actually
8 there in the courtroom and identifying him. Nothing more than
9 that.

10 And that is not the person, and I think that's why the
11 picture was shown after the break. That is not the person that
12 the jurors observed. It's a different person who made this
13 gesture.

14 None of what the jurors said to Ms. Moyé indicated, in
15 contrast to the case in front of Judge Bredar, that they
16 personally were scared or concerned about the defendants, that
17 they wanted to get off the jury, nothing like that. They
18 simply reported that they observed this gesture.

19 That gentleman did not return after the break. And
20 the jurors were, I believe, shown the picture of Chicken Box
21 for precisely the purpose that Ms. Hoffman has indicated, so it
22 would be clear, in case it wasn't, that that's not the same
23 person that made the gesture.

24 So I don't see any basis for a mistrial.

25 I am reluctant, particularly in the absence of a

1 request from the defendants, to either voir dire or instruct
2 the jury regarding the gallery for the very reason that this
3 may draw undue attention to something which does not seem to
4 have been a major event otherwise or anything that was
5 attributed to the defendants by the jury, which is the key
6 question here.

7 I just don't think there's anything that shows us
8 that. I don't think this is any sort of prosecutorial
9 misconduct that would rise to the level of granting a mistrial
10 independent of any issue of juror bias, and I don't see any
11 issue of juror bias.

12 **MR. ENZINNA:** Your Honor, I just want to make clear,
13 for the record, that in addition to the motion for a mistrial,
14 I would also move, in the alternative, for a Remmer hearing.

15 **THE COURT:** For a what?

16 **MR. ENZINNA:** For a Remmer hearing, voir dire of the
17 jurors.

18 **THE COURT:** You do want to voir dire the jury?

19 **MR. ENZINNA:** Yes.

20 **THE COURT:** And what would you like me to ask them?

21 **MR. ENZINNA:** To ask them what they saw and whether
22 it's affected them.

23 **THE COURT:** Do all the defendants want me to do that?

24 **MS. AMATO:** Yes, Your Honor. On behalf of
25 Mr. Anderson, I would. I mean, I have some concerns because of

1 the fact that they did raise it with the Court. And so I do
2 want to make sure that we're -- I mean, we don't want to lose
3 these jurors, but we want to make sure that we're still dealing
4 with a jury that's going to give Mr. Anderson a fair trial and
5 not be affected by things that are happening here and somehow
6 put it on Mr. Anderson or the other defendants.

7 The other concern I have, Your Honor, is that I
8 believe the Court's instruction to the jury was that if there
9 was any issues, that they should bring it up singly, one at a
10 time, separately from the whole jury pool.

11 So had those three jurors come up to Ms. Moyé
12 separately, it would have been a better situation, because now
13 all the jurors, even those -- the ones who didn't see it, know
14 about it.

15 So I would also ask Your Honor just to instruct the
16 jurors in the future or remind them just very informally that
17 if there's anything they want to bring to the Court's
18 attention, to just do it solo without the whole rest of the
19 jury pool -- panel there with them.

20 **THE COURT:** Sure. That's -- as it happens, I mean --
21 and it's not surprising more than one juror noticed this, but
22 that's fine. I can remind them.

23 **MS. AMATO:** Just in terms of the reporting, that's
24 all. So that way they don't --

25 **THE COURT:** I told them that about questions. I'm not

1 sure I told them about -- but, at any rate.

2 **MR. TRAINOR:** Your Honor, on behalf of Mr. Lockley, I
3 would request that the voir dire be done individually. I don't
4 know -- so one juror's answer would not taint any other juror.

5 **THE COURT:** I assume that's what Mr. Enzinna was
6 requesting.

7 **MR. SARDELLI:** Your Honor, on behalf of Mr. Banks,
8 Brian Sardelli, we would join that request, Your Honor.

9 And just one respectful disagreement with the Court:
10 My memory is the same as co-counsel. I recall that the Court
11 did politely chastise the Government and ask them not to
12 identify people in the gallery, is my memory of what happened
13 before they identified Chicken Box in the photo after the
14 break, Your Honor. That's just my memory of it.

15 Thank you, Your Honor.

16 **THE COURT:** Okay.

17 **MR. HAZLEHURST:** Your Honor, Mr. Davis has asked me to
18 inform the Court he does not wish to have the jurors
19 voir dired.

20 **THE COURT:** Okay.

21 **MR. DAVIS:** I think I'm kind of in that boat, too. I
22 would prefer to hold off on voir diring the jury. I'd prefer
23 to do it during closing instructions to address any of the
24 issues of this nature.

25 **THE COURT:** Okay. All right. Ms. Hoffman.

1 **MS. HOFFMAN:** I just wanted to add that, given that
2 the defendants disagree about whether the jurors should be
3 voir dired and given the risk of highlighting the issue, our
4 position continues to be that voir dire is not necessary and
5 not warranted in this situation.

6 I would also point out, there is an Eighth Circuit
7 case, it's United States versus Brown, 923 F.2d 109. The
8 Eighth Circuit held that menacing stares from members of the
9 courtroom gallery, even when directed at the jurors themselves,
10 quote, are neither unique nor uncommon to public trials,
11 unquote, and that they don't create a presumption of prejudice
12 requiring follow-up inquiry.

13 What we have here is a gesture made towards the
14 witness, not made toward the jurors. I don't think it rises to
15 the level of a presumptive prejudice requiring a Remmer
16 inquiry, particularly where we have defendants who disagree,
17 some defendants who don't want that, who think that it would
18 only highlight the issue and potentially prejudice the jurors
19 further.

20 **THE COURT:** All right. What I'm contemplating at this
21 point, in considering also the split of opinion among counsel
22 and not wanting to highlight this specifically, combined with
23 Ms. Amato's suggestion, is that I might advise the jury, just
24 remind the jury that: As I told you at the beginning of the
25 trial, it is extremely important that throughout the trial, you

1 maintain your ability to decide this case fairly based solely
2 on the evidence and the instructions of law that I am going to
3 give you.

4 If at any time something occurs that leads you to
5 believe that you may have any difficulty continuing to be fair
6 and to decide this case just based on the law and the evidence,
7 you should individually, without discussing it with any other
8 juror, advise Ms. Moyé so that the Court can have further
9 conversation with you.

10 Does that make everybody unhappy or happy?

11 I think that's possibly a reasonable compromise at
12 this point.

13 **MR. ENZINNA:** May I make one more request?

14 **THE COURT:** Sure.

15 **MR. ENZINNA:** And that is that if, in the future, an
16 event like this occurs, that we be notified of it at the same
17 time the Government is notified of it. Apparently the
18 Government learned of this during the break. We didn't learn
19 about it until -- at the end of the day.

20 **MS. HOFFMAN:** Your Honor, we actually did not learn
21 from Ms. Moyé about it during the break. It was a marshal who
22 informed us what had happened. And it was our -- we actually
23 thought that the issue was going to be raised when we came back
24 before the witness began testifying again. I was surprised
25 that it wasn't.

1 But given that we had already established, based on
2 what the marshal told us, that it was a different person, that
3 it was not Chicken Box, that was my reason for putting a
4 picture of Chicken Box up on the screen, to ensure that the
5 jurors did not think that it was Chicken Box who had made the
6 gesture.

7 **THE COURT:** Sure. I will try to make sure that that
8 doesn't happen in the future. It would be somewhat my fault,
9 but my communication was with the marshal. And I think that's
10 appropriate to take immediate action if there's anything, any
11 kind of inappropriate, you know, behavior in the gallery, and
12 that's what I told the marshal, and apparently the marshal told
13 the U.S. Attorney.

14 I thought that it could best be handled by speaking to
15 counsel as a group at the end of the day, which is what I did,
16 as you know.

17 **MR. ENZINNA:** Your Honor, I have no concern with the
18 Court's handling of this. But I think maybe what ought to
19 happen is -- and I do think it's appropriate to tell the
20 marshals. I do think, though, that it might be appropriate to
21 instruct the marshals that if they inform the Government about
22 this, they need to inform us as well.

23 **MS. AMATO:** Or at least --

24 **THE COURT:** Or let me know.

25 **MS. AMATO:** Or at least, Your Honor, I'd ask that the

1 Government give us the courtesy, then, in the future to tell us
2 what -- or at least, you know, bring it up to all of us at that
3 point as well.

4 **THE COURT:** Well, or, again, or the -- I think it's
5 that they should come to the Court or I can -- and it can be
6 made clear with the Court through the marshal.

7 **MR. ENZINNA:** Thank you.

8 **THE COURT:** Okay. Then the -- I guess the next thing
9 to do is to -- if we bring in the jury first before the witness
10 resumes, I can give that cautionary instruction now. Okay.

11 (Jury entered the courtroom at 10:44 a.m.)

12 **THE COURT:** Welcome back, ladies and gentlemen. I
13 apologize for the delay. We will be resuming with the witness
14 shortly.

15 I just wanted to sort of periodically -- since this is
16 a lengthy trial, I like to give reminders to the jury.

17 As you will recall during the voir dire, we worked
18 very hard to pick jurors who were going to be able to decide
19 the case fairly to both sides, just based on the law and the
20 evidence.

21 That obviously needs to continue throughout the trial.
22 So what I want to be sure you all understand is that at any
23 time if anything happens during the course of the trial,
24 whether in your life or here in the courtroom or anywhere, if
25 there's anything that leads any of you to have concerns about

~~GREER - DIRECT~~

1 your ability to decide this case fairly, just based on the law
2 and the evidence, don't talk to your fellow jurors about it;
3 but please let our courtroom deputy know so that it's something
4 that we can address if any of you have those kind of concerns,
5 because it's very important that as long as you remain here and
6 you're sitting, that you can do so fairly to everyone and
7 decide the case just based on the evidence and the law.

8 So I just want to remind you of that. And, again, if
9 you do have any concerns individually, please let Ms. Moyé
10 know.

11 Thank you very much.

12 And we'll resume.

13 **THE CLERK:** Mr. Greer, I remind you, you're still
14 under oath. Please speak directly into the microphone and make
15 sure you keep your voice up.

16 **THE WITNESS:** Yes, ma'am.

17 JAY GREER, GOVERNMENT'S WITNESS, PREVIOUSLY SWORN.

18 DIRECT EXAMINATION (CONTINUED)

19 **BY MS. HOFFMAN:**

20 **Q.** Good morning, Mr. Greer.

21 **A.** Good morning.

22 **Q.** When we left off yesterday, we were playing some
23 jail calls between yourself and Gutta following your arrest in
24 July, July of 2015.

25 And I wanted to start off by playing another one of those

~~GREER - DIRECT~~

1 jail calls.

2 This one is going to be J-20, and it's on Page 72 of the
3 transcript binders behind the jail call tab.

4 I'm going to skip to a minute and 24 seconds into this
5 call.

6 (Audio was played but not reported.)

7 **BY MS. HOFFMAN:**

8 **Q.** I'm going to pause it here.

9 In the portion of the call -- the first portion of the
10 call, who was speaking?

11 **A.** Me and Gutta.

12 **Q.** And who's speaking -- who just got on the phone now?

13 **A.** This dude called -- named Big Homie.

14 **Q.** I'm sorry. Did you say the dude called Big Homie?

15 **A.** Yes.

16 **Q.** And who was Big Homie?

17 **A.** He was a friend of Gutta's.

18 **Q.** Did you hear in the first portion of the call that we just
19 listened to when Gutta said that Kenny, he need to be bringing
20 you that 200?

21 **A.** Yes.

22 **Q.** What was he referring to? What was the 200?

23 **A.** 200 grams of heroin.

24 **Q.** I'm going to continue playing.

25 (Audio was played but not reported.)

~~GREER - DIRECT~~

1 **BY MS. HOFFMAN:**

2 **Q.** Mr. Greer, did you hear when Gutta said [reading]: They
3 can't even prove it's mine?

4 **A.** Yes.

5 **Q.** And can you remind us again where the guns in the trunk
6 came from.

7 **A.** One gun was from Gutta, and one gun was from Bino.

8 **Q.** I'm going to play another call for you. This one's J-21,
9 and it's on Page 76 of the transcript binders behind the
10 jail call tab.

11 **MR. TRAINOR:** Excuse me, Your Honor. We have a
12 technical issue. This side of the courtroom cannot -- we have
13 no monitor whatsoever, so we can't see the call.

14 **THE COURT:** Okay. Ms. Moyé will take a look.

15 You have a transcript of it, though, don't you?

16 **MR. TRAINOR:** We have a notebook, yes.

17 **THE COURT:** I think if you turn to the page, which is
18 what I'm doing here, the transcript book, you said -- what are
19 we up to now, Page 76?

20 **MS. HOFFMAN:** We're on Page 76.

21 **THE COURT:** So you can read it on the transcript.

22 (Pause.)

23 **THE COURT:** We'll check into it further when we take a
24 break.

25 All right. Now you can go ahead with the transcript.

~~GREER - DIRECT~~

1 **BY MS. HOFFMAN:**

2 **Q.** Okay. I've skipped to 3 minutes and 15 seconds into this
3 call, and I'm going to begin playing there.

4 (Audio was played but not reported.)

5 **BY MS. HOFFMAN:**

6 **Q.** Mr. Greer, who's speaking in that conversation?

7 **A.** Me, Gutta, and Kenny.

8 **Q.** And did you hear when -- in the beginning of the call when
9 you said [reading]: He ain't comfortable doing none of that?

10 **A.** Yes.

11 **Q.** And what did you mean by that?

12 **A.** Kenny, he ain't know nothin' about me -- him giving me
13 anything or anything like that, any drugs or anything. He
14 didn't know. I was supposed to come holla at him, you know.

15 **Q.** And was that referring to the 200 grams of heroin?

16 **A.** Yes.

17 **Q.** How much does heroin go for, about, per gram?

18 **A.** At the gas station, it was \$120 a gram.

19 **Q.** Did you hear when Gutta said to Kenny [reading]: All you
20 got to do is holla at Champagne?

21 **A.** Yes.

22 **Q.** And then did you hear when Kenny asked [reading]: What
23 you want him to have?

24 And Gutta said [reading]: One.

25 **A.** Yes.

~~GREER - DIRECT~~

1 Q. What did he mean when he said -- what does that mean?
2 What is the "one" referring to?

3 A. The "one" was referring to the -- the one-half of the
4 200 grams that they had previously talked about in the
5 conversation.

6 Q. I'm going to play another call for you. And this one is
7 J-22, and it's on Page 80 of the transcript binders behind the
8 jail call tab.

9 I'm going to skip to 1 minute and 11 seconds in.

10 (Audio was played but not reported.)

11 BY MS. HOFFMAN:

12 Q. Who's speaking in this conversation?

13 A. Me and Gutta.

14 Q. And did you hear when Gutta said [reading]: Yo, getting
15 ready to give you a hon-don?

16 A. Yes.

17 Q. What is he referring to there? What's the hon-don?

18 A. The hundred grams of heroin.

19 Q. Did you hear when Gutta said [reading]: That's ten bands,
20 yo, at the least?

21 A. Yes.

22 Q. What's a band?

23 A. A band is a thousand dollars.

24 Q. So what does he mean when he says [reading]: That's ten
25 bands, at least?

~~GREER - DIRECT~~

1 What does that mean?

2 **A.** He wanted me to bring him at least \$10,000 off the hundred
3 grams of heroin.

4 **Q.** Now, I'm going to show you Government's Exhibit IND-91.
5 Can you remind us who that is.

6 **A.** That's Kenny.

7 **Q.** And is that the Kenny who was supposed to give you the
8 hundred grams of heroin?

9 **A.** Yes.

10 **Q.** I want to skip ahead a little bit. I want to direct your
11 attention to July 22nd of 2015.

12 Were you present at the scene of a shooting at the BP gas
13 station on that night?

14 **A.** Yes.

15 **Q.** And who else was there that night, that you recall?

16 **A.** It was a lot of people outside that night. Gutta was
17 there. Lil Reese, Nutty B, Menace.

18 There was a lot of people. I mean, spotty, Fish.

19 **Q.** Was it common or uncommon for a number of members of MMP
20 to gather at the BP gas station?

21 **A.** It was a regular thing.

22 **Q.** Who was the victim of the shooting that night?

23 **A.** This guy named John Wayne.

24 **Q.** Is that a legal name or a street name?

25 **A.** I believe it's a street name.

~~GREER - DIRECT~~

1 Q. I'm going to show you Government's Exhibit IND-77.

2 And who's that?

3 A. That would be John Wayne.

4 Q. And who was John Wayne? Was he a member of MMP?

5 A. No, not to my knowledge.

6 Q. What was the source of the dispute with John Wayne?

7 A. We was at Fish' house. I just heard Gutta and Fish
8 talkin' about Fish supposed to have did something to
9 John Wayne's son or one of -- something like that -- something
10 happened between Fish and John Wayne.

11 Q. Sorry. Could you repeat the last bit. Did you say
12 John -- could you repeat the last bit again.

13 A. We was at Fish' house and something dealing with
14 John Wayne's son happened between Fish and him, and Gutta said
15 he was gonna take care of it for Fish.

16 Q. So there was a dispute regarding John Wayne's son. And
17 was the dispute between John Wayne and Fish?

18 A. Yes.

19 Q. And can -- I believe you testified yesterday that Fish was
20 a member of the Black Blood Brotherhood; is that right?

21 A. Yes.

22 Q. So what happened as -- you said Gutta said he was going to
23 take care of it. What happened as a result of the dispute?

24 A. Basically, like, Gutta -- Gutta set him up, you know.

25 He -- like, he was playing the fence. He didn't really let

~~GREER - DIRECT~~

1 no -- he ain't let John Wayne know that he had Fish in cahoots
2 with him the whole time. And he told him to meet him at the
3 gas station. He was at the gas --

4 Q. What happened at the gas station that night?

5 A. John Wayne and Gutta, they was standin' in front of each
6 other talkin'.

7 Q. And where were you standing?

8 A. I was right next to -- I was, like, right next to both of
9 'em. They facing each other, and I'm facing them.

10 And a car pulled up and I seen -- I looked up the alley,
11 drove up the alley. I looked up the alley, followed the car.
12 And Spotty jumped out the car, and Spotty came walkin' down the
13 alley. And John Wayne is facing -- he's -- he's looking
14 towards the alley, but he can't see past Gutta.

15 And Spotty spinned off of Gutta, like came off from behind
16 his back and spinned off of him with the gun on him and started
17 shootin'.

18 Q. And was John Wayne hit?

19 A. Yes.

20 Q. What happened to John Wayne?

21 A. Spotty just like shoot him. He like kept hittin' him,
22 boom, boom, boom, boom. He fell, got up, ran to the car. And
23 then it was a car with him at the gas station, hopped out and
24 started shootin' --

25 Q. When you say there was a car with him, a car with

~~GREER - DIRECT~~

1 John Wayne?

2 **A.** Yes.

3 **Q.** And what happened then?

4 **A.** Well, the car -- whoever was in the car jumped out the car
5 and started shootin' back towards Spotty. And the crowd we was
6 standin' at, and it made everybody scatter. And everybody ran
7 to the car.

8 I hopped in the car, get ready to pull off. Gutta was in
9 the car; then he hopped out the car. And when Gutta hopped out
10 the car, he ran to Nutty B. And he said Nutty B got hit.
11 Nutty B was laying in the grass.

12 And then when I got out the car tryin' to get Gutta back
13 in the car, we found out Reese was hit. Reese got hit in the
14 foot.

15 So Julio put Reese in the car, and I drove Reese -- me and
16 Julio drove Reese to the hospital and dropped him off.

17 **Q.** So I want to unpack that a little bit.

18 And first, I'm going to show you Government's Exhibit
19 IND-70.

20 Who is that?

21 **A.** Spotty.

22 **Q.** And I believe you testified yesterday that Spotty was also
23 part of the Black Blood Brotherhood; is that right?

24 **A.** Yes.

25 **Q.** And was he -- was he in BGF?

~~GREER - DIRECT~~

A. Yes.

Q. Was he associates with Fish?

A. Yes.

Q. And based on what you had heard Gutta say about, "I'm going to put that together," and based on what happened, did you believe that Gutta knew that Spotty was going to shoot John Wayne?

MR. ENZINNA: Objection, Your Honor.

THE COURT: Sustained; form of the question.

BY MS. HOFFMAN:

Q. What did you take it to mean when Gutta said, "I'm going to take care of that," or, "I'm going to set that up"?

MR. ENZINNA: Objection, Your Honor.

THE COURT: Sustained.

BY MS. HOFFMAN:

Q. Based on what you observed happen on the night at the BP gas station, was there anything that led you to believe that Gutta knew that John Wayne was going to be shot?

A. Yes.

Q. Can you explain.

A. He led him to the gas station, to the point where he got shot at. And if Gutta was going to diffuse the situation, he didn't have to bring him up to the gas station. He could have did it over the phone, or we could have met him somewhere else. But he deliberately brought him to the gas station. And the

~~GREER - DIRECT~~

1 dude must have knew something fishy was about it 'cause he came
2 with backup.

3 Q. And you mentioned that he had another car there with him.
4 What kind of car was that?

5 A. A black Honda.

6 Q. And I believe you testified that someone from the black
7 Honda began shooting back; is that right?

8 A. Yes.

9 Q. And was it at that point that Nutty B and Reese were hit?

10 A. Yes.

11 Q. And I'm going to show you Government's Exhibit IND-51.

12 And who's that?

13 A. Nutty B.

14 Q. And I'm also going to show you

15 Government's Exhibit IND-69.

16 Who's that?

17 A. Lil Reese.

18 Q. And were those the two people who were shot by the person
19 in the black Honda?

20 A. Yes.

21 Q. And are Nutty B and Reese members of MMP?

22 A. Yes.

23 Q. Do you know where Reese was shot?

24 A. He was shot in the foot.

25 Q. You mentioned -- well, let me show you

~~GREER - DIRECT~~

1 Government's Exhibit IND-47.

2 Who's that?

3 A. Julio.

4 Q. And I believe you testified yesterday that he was also a
5 member of MMP?

6 A. Yes.

7 Q. And you testified just a moment ago that Julio helped pull
8 Reese in the car; is that right?

9 A. Yes.

10 Q. Can you explain what happened.

11 A. Once I hopped out and Gutta hopped out, Reese was --
12 Reese -- Reese, he was like limping, saying, "I'm hit. I'm
13 hit."

14 And that's when Julio grabbed him up, put him under his
15 arm, and led him to the car.

16 Q. And who was driving the car?

17 A. I was.

18 Q. What car was it?

19 A. It was the Malibu, gray Malibu.

20 Q. Whose car was it?

21 A. The rental that Gutta had.

22 Q. Did you drive Reese to the hospital?

23 A. Yes.

24 Q. Where -- what hospital did you take him to?

25 A. It was Sinai.

~~GREER - DIRECT~~

1 Q. Did you know who the people in the black Honda were?

2 A. No, not at that time.

3 Q. Did you believe -- based on what you observed, did you
4 believe that John Wayne had died?

5 A. Yes.

6 Q. Did you later come to learn that he did not die?

7 A. Yes.

8 Q. What happened after -- after you dropped Reese off at the
9 hospital? What did you do next?

10 A. I went to go look for Gutta. I couldn't find him. So I
11 went to get some chicken, and I drove to Fish' house after I
12 got some chicken.

13 Q. Where was Fish's house?

14 A. Norfolk and Chelsea.

15 Q. And who did you find at Fish's house?

16 A. Fish and Spotty and the other guy that drove the car.

17 Q. I'm sorry. Who was the third person you said?

18 A. It was the other guy that drove the car. I didn't -- I
19 don't know his name. He was just a dark-skinned dude.

20 Q. Was there anyone else there?

21 A. Once I -- when I first got there, it was just them. And
22 then after being there probably like 10, 15 minutes, Gutta
23 walked in with Unc.

24 Q. And I'm showing you Government's Exhibit IND-50.

25 Who's that?

~~GREER - DIRECT~~

1 **A.** Unc.

2 **Q.** Was there any conversation about what had just happened
3 when Gutta and Unc arrived?

4 **A.** Yeah. Gutta said the police was lookin' for me.

5 **Q.** And did the conversation continue?

6 **A.** Yeah. After that this lady walked in with another guy.
7 And the lady came in. She was -- the dude John Wayne
8 babymother. And Fish and Gutta and they was talkin' about the
9 shootin'. And she asked about it.

10 And Gutta said that he had that done, point -- he was
11 like, "I did that. I had that done to him."

12 **Q.** Referring to the shooting of John Wayne?

13 **A.** Yes.

14 **Q.** I'm going to show you Government's Exhibit IND-56.
15 Can you remind us who that is.

16 **A.** That's Fish.

17 **Q.** Why did Gutta say the police were looking for you?

18 **A.** Trying to scare me, like.

19 **Q.** Was there a gun present in the -- in Fish's house?

20 **A.** Yes. It was a -- it was like -- it was like the frame of
21 it. It wasn't, like, the whole gun. It was just, like, the
22 bottom part.

23 **Q.** Who had it?

24 **A.** Spotty.

25 **Q.** And when you say it was the bottom part, was it

~~GREER - DIRECT~~

1 disassembled?

2 **A.** Yeah. It was just, like -- it was just like a frame. It
3 wasn't really -- it was nothin' on the gun. It just was . . .

4 **Q.** And was that the gun that had been used to shoot
5 John Wayne?

6 **A.** Yes.

7 **Q.** Did there come a time after that shootout that Gutta
8 instructed you to kill someone?

9 **A.** Yes.

10 **Q.** Who did he tell you to kill?

11 **A.** He wanted the dudes in the Honda -- dude in the Honda.

12 **Q.** Referring to the black Honda?

13 **A.** Yes.

14 **Q.** So was he referring to people who had shot back and hit
15 Nutty B and Reese?

16 **A.** Yes.

17 **Q.** And what did he tell you? Tell us what happened.

18 **A.** One day we was in the car. We was drivin'. And we went
19 to go pick up the dude Big Homie. And he was in the backseat.
20 We went to pick him up. We drove to this school. I remember
21 the school having a big hill. We drove all the way up the
22 hill.

23 And at the top of the hill, all the way in the back, was
24 like a basketball court. And then the dude Big Homie told
25 Gutta, "That's the dude right there in the orange shorts."

~~GREER - DIRECT~~

1 Q. And what did he mean -- what did you take him to mean when
2 he said, "That's The dude"?

3 A. That's the guy from the shootin', that shot from the
4 Honda.

5 And Gutta told me, he said, "You see him? Make sure you
6 remember who he is." And we pulled off and went to Fish'
7 house -- dropped -- we dropped Big Homie off, and then we went
8 to Fish' house.

9 Q. What happened when you got to Fish's house?

10 A. Gutta, he, like -- he, like -- he did like a -- like a
11 guilt-trip thing into making me go and try to shoot the dude.
12 He like, They shot your brothers. They shot your family. You
13 claim you one of us. You got to do something about that.

14 And so he gave me a gun.

15 Q. Who gave you a gun?

16 A. Gutta. And Gutta gave me the gun. And then the other --
17 there was another -- the same dude that drove the -- drove the
18 car, the dark-skinned dude, it was him. And there was another
19 light-skinned guy in the house.

20 Q. When you say "the same dude who drove the car," are you
21 referring to the car that Spotty got out of to shoot at
22 John Wayne?

23 A. Yes.

24 Q. So who was in the car with you?

25 A. It was me, him, and another light-skinned guy. Those two

~~GREER - DIRECT~~

1 dudes was always at Fish' house. Whenever I would come over
2 there, they was always there.

3 So we got in the car --

4 Q. Do you know what the other guy's name was?

5 A. I know the light-skinned dude, his name was Paco.

6 Q. And was Paco part of the Black Blood Alliance?

7 A. I don't know officially, but I know he a Crip.

8 Q. So Gutta gave you a gun and told you to get in the car
9 with Paco and this other gentleman, and then what happened?

10 A. And then we drove back to that school.

11 Q. Who was driving?

12 A. The dark-skinned guy. We drove and started driving up the
13 hill. This time we stayed at the bottom of the hill. Before
14 we got out the car, I pulled the thing back on the gun, the
15 little lever thing.

16 Q. Cocked the gun?

17 A. I think I did, but I don't know. I mean, seen it in
18 movies, push the thing back. Went to get out the car.

19 Paco, like, "Yo, there's a camera. Let's not go do this."

20 I'm like, "Sounds great. Let's not do this. Let's just
21 agree he's not there."

22 And we got back in the car and drove back.

23 And then I went to give the gun back to him, to give back
24 to Paco. They all jumped back and got scared and said I wasn't
25 supposed to cock the gun back before you go into battle, I

~~GREER - DIRECT~~

1 guess.

2 Q. What's wrong with cocking the gun back?

3 A. I think it makes it go off. It's sensitive to go off when
4 you cock it back.

5 Q. Did you ever end up killing the guy in the orange shorts?

6 A. No.

7 Q. Did you want to carry out that murder?

8 A. No.

9 Q. Did you feel like you had a choice?

10 A. No, I didn't have a choice.

11 Q. Did you tell -- after this incident, did you tell Gutta
12 what had happened?

13 A. Yes.

14 Q. And what did you say?

15 A. I said, "Dude wasn't there."

16 Q. And what was Gutta's reaction?

17 A. He said, "You lyin'. You just scared. You ain't
18 really -- you ain't really one of us." You know, just
19 basically, like -- he's, like, shitted on me. Excuse my
20 language.

21 Q. And what did you understand him to mean when he said,
22 "You're not one of us"?

23 A. He's like I'm not -- I'm not like them.

24 Q. Who's the "them"?

25 A. Like, the mobsters.

~~GREER - DIRECT~~

1 Q. Did you ever end up joining MMP?

2 A. No.

3 Q. I want to direct your attention to July 31st of 2015, so a
4 little over a week later.

5 Did there come a time that day that you were arrested?

6 A. Yes.

7 Q. Who arrested you? What law enforcement agency?

8 A. Baltimore County.

9 Q. And what were you charged with?

10 A. Conspiracy to distribute. There was a lot of charges,
11 conspiracy, a lot of conspiracy charges.

12 Q. When you say "conspiracy to distribute," is that
13 conspiracy to distribute narcotics?

14 A. Yes.

15 Q. Was Gutta also arrested?

16 A. Yes.

17 Q. Were you charged together?

18 A. Yes.

19 Q. Where were you -- were you incarcerated?

20 A. Yes.

21 Q. And where were you incarcerated?

22 A. Towson.

23 Q. Is that a detention center there?

24 A. Yes.

25 Q. Where was Gutta incarcerated?

~~GREER - DIRECT~~

1 A. Same place, out Towson.

2 Q. Did you talk to Gutta in the jail?

3 A. Yes. For the first, like, few weeks, we was on the same
4 tier together.

5 Q. Were you moved to different tiers after that?

6 A. Yes.

7 Q. Did you ever talk to him after you were moved to different
8 tiers?

9 A. Yeah. He would -- whenever he get visits from Tiffany,
10 she would bring somebody to pull me on a visit. Like one time
11 she brought T-Roy. She brought Menace, you know.

12 Q. And would she bring those people to talk to you while she
13 talked to Gutta?

14 A. Yes.

15 Q. Did Gutta ever recruit others in the jail to join MMP?

16 A. Yes.

17 Q. Can you tell us about that.

18 A. Well, he recruited this Caucasian guy.

19 Q. What was his name?

20 A. His name was Blizz.

21 Q. I'm going to show you Government's Exhibit IND-79.

22 Who's that?

23 A. Blizz.

24 Q. And I didn't mean to cut you off. I believe you were
25 explaining -- or how did you know that Gutta recruited Blizz to

~~GREER - DIRECT~~

1 join MMP?

2 **A.** Blizz be throwing up M's on the tier. He be -- he said
3 he -- he wit dat now. Yeah, he's just . . .

4 **Q.** Was there anyone else in the jail who Gutta recruited to
5 MMP?

6 **A.** Another guy named Spence.

7 **Q.** And tell us about that. How did you know that he
8 recruited Spence?

9 **A.** Spence doing the same thing. Other people in the jail
10 telling me stories about how Spence is lotioning him down and
11 stuff and carrying his water around. Like, I'm just hearing a
12 lot of stories about this -- about things.

13 **Q.** Let me show you Government's Exhibit IND-78.
14 Who's that?

15 **A.** Spence.

16 **Q.** And do you know if that's his real name?

17 **A.** I believe his name is -- I think one of -- his last name
18 is Spence. I can't think of his first name.

19 **Q.** Did Spence say anything to you about MMP?

20 **A.** Yeah. He said -- he said Gutta gave him his M's.

21 **Q.** And what did you -- what does -- what does it mean to give
22 someone their M's?

23 **A.** That means to make 'em into a member of MMP.

24 **Q.** Did you say make 'em into a member of MMP?

25 **A.** Yes.

~~GREER - DIRECT~~

1 Q. Did Gutta say anything about recruiting Spence?

2 A. Yeah. He said Spence -- he had went to lockup and left
3 paperwork in his cell that people in the jail went and found.
4 He was --

5 Q. What kind of paperwork?

6 A. From my understanding, it must have been the paperwork
7 with the --

8 MR. ENZINNA: Objection. Objection.

9 BY MS. HOFFMAN:

10 Q. Just based on what Gutta told you, what paperwork was he
11 indicating was left in Spence's cell?

12 A. The gang paperwork, the paperwork about the -- about MMP
13 and stuff like that.

14 Q. Did there come a time when you were locked up with Gutta
15 that he told you about the murder of someone named Bangout?

16 A. Yes.

17 Q. I'm going to show you Government's Exhibit IND-27.
18 Who's that?

19 A. Bangout.

20 Q. Was Bangout a member of MMP?

21 A. Yes.

22 Q. What did Gutta tell you about Bangout's murder?

23 A. That Bangout and -- Bangout and this dude named Wayne --
24 Wayne was from up Dirt' way. I believe it was like in
25 Gwynn Oak. They had a -- Wayne and Dirt had a disagreement.

~~GREER - DIRECT~~

1 Bangout and Gutta was having a disagreement.

2 Bangout text Wayne that they should take out the dudes at
3 the top, and Wayne took the text messages to Gutta. And Gutta
4 said -- that's when he decided he's going to get Bangout
5 touched.

6 Q. What does it mean to get someone touched?

7 A. "Touched" is when you get somebody killed.

8 Q. And what did Gutta say happened?

9 A. He said him, Nutty B -- I mean -- excuse me.

10 Him, Nizzy, and Nick, they -- they went to holla at
11 Bangout. Gutta said he -- he said he shot Bangout in the face
12 first, and Bangout tried to run. He tried to crawl up some
13 steps.

14 Nizzy kicked him.

15 Gutta shot him two more times. He said he knew he was
16 dead because he took a long -- a real long pause, like a real
17 long, like, sigh, a breath that just went out of him. That's
18 when he knew he was dead.

19 Q. I want to show you Government's Exhibit IND-94.

20 And who's that?

21 A. Nick.

22 Q. Is that the Nick who Gutta was referring to went with him?

23 A. Yes.

24 Q. I'm going to show you Government's Exhibit IND-89.

25 Who's that?

~~GREER - DIRECT~~

1 **A.** Nizzy.

2 **Q.** Was Nizzy in MMP?

3 **A.** Yes.

4 **Q.** How did you know?

5 **A.** He used -- I seen him doing the handshake with Gutta. He
6 got the Ps tattooed on him and stuff.

7 **Q.** And what area did Nizzy operate in?

8 **A.** Warwick, Edmondson Avenue.

9 **Q.** I'm going to show you Government's Exhibit IC-79, which
10 has previously been introduced as a file from Dante Bailey's
11 iCloud account.

12 Who's that?

13 **A.** Nizzy.

14 **Q.** I'm going to show you Government's Exhibit IC-59.

15 Do you recognize the people on this photo?

16 **A.** Yes.

17 **Q.** Can you tell me who's in the photo.

18 **A.** That's Bo, Gutta, and Nizzy (indicating).

19 **Q.** And what does Nizzy appear to be doing with his hands?

20 **A.** Making an M.

21 **Q.** I'm going to show you Government's Exhibit IC-93.

22 Who's in this photo?

23 **A.** Nizzy and Gutta.

24 **Q.** I'm going to show you Government's Exhibit IC-101. Let me
25 see if I can zoom in here.

~~GREER - DIRECT~~

1 Where is this photo taken, by the way? Can you tell?

2 **A.** Right there in front of the convenience store/gas station.

3 **Q.** And can you identify the people in the front of the photo.

4 **A.** That's Gutta (indicating), Nizzy (indicating), that's SP

5 (indicating).

6 **Q.** You say that's SP?

7 **A.** Yes.

8 **Q.** Finally, I'm going to show you

9 Government's Exhibit IC-136. This is a short video.

10 (Video was played but not reported.)

11 **BY MS. HOFFMAN:**

12 **Q.** Who is in that video?

13 **A.** I seen Gutta, Dirt, Fish, Nizzy.

14 **Q.** Going back to the murder of Bangout, who did Gutta say

15 actually pulled the trigger?

16 **A.** He said he pulled the trigger.

17 **Q.** Did he say whether he'd told anyone else about the murder,

18 whether anyone else knew about it?

19 **A.** He said only certain people knew: him, Dirt, SP.

20 **Q.** Did there come a time after that -- well, did there come a

21 time when you learned that Nutty B had been killed?

22 **A.** Yes.

23 **Q.** I'm going to show you Government's Exhibit IND-51.

24 Is this Nutty B?

25 **A.** Yes.

~~GREER - DIRECT~~

1 Q. Were you locked up in Towson when Nutty B was killed?

2 A. Yes.

3 Q. Was Gutta also locked up in Towson?

4 A. Yes.

5 Q. In the month or so before Nutty B was killed, did Gutta
6 tell you anything about collecting money from people in the
7 gang?

8 A. Yes. He -- he kept saying that everybody at the gas
9 station needed to pay; and if they ain't pay up, he gave the
10 order for Bino and Trouble to kill 'em.

11 Q. Gutta said he gave an order to Bino and Trouble to kill
12 anyone who didn't pay?

13 A. Yes.

14 Q. How did you learn -- when Nutty B was killed, how did you
15 learn about it?

16 A. Gutta said something to me. He's like, You heard Nutty B
17 got killed.

18 And I'm like, Naw, I did not hear that, but now I know.

19 Q. Did you learn about it from somebody else?

20 A. Yeah. Right after Gutta said something to me, I got a
21 visit from T-Roy, Menace, Tiffany, and --

22 Q. I'm going to pause there just to show you
23 Government's Exhibit IND-58.

24 Who's that?

25 A. Menace.

~~GREER - DIRECT~~

1 Q. And what did Menace tell you -- or did Menace tell you
2 about Nutty B's murder?

3 A. Yes. He -- when he came to visit me, he was like, Yeah,
4 you know, Nutty B got killed.

5 And I'm like, Yeah, I heard.

6 And so I'm asking him, like, So what happened?

7 And he didn't want to say it in the phone, but he just --
8 he said, Bino. He said, Bino. Bino did that.

9 Q. I'm going to show you Government's Exhibit IND-53.

10 Who's that?

11 A. Bino.

12 Q. Did Menace say whether or not he was actually there when
13 Nutty B was killed?

14 A. Yeah, he said he was there. He said, First, Fish hit him.
15 Fish hit Nutty B.

16 And then Bino just whipped the gun out and shot him.

17 He said everything happened so fast. Yeah.

18 Q. Did you learn about the Nutty B murder from anyone else in
19 the gang?

20 A. I mean, it was just like a -- once it happened, it was a
21 talked-about thing, you know what I mean, between everybody.

22 Q. Did you later view video footage of the murder of Nutty B?

23 A. Yes.

24 Q. And I want to ask you, are you familiar with -- have you
25 interacted with Bino in person?

~~GREER - DIRECT~~

1 **A.** Yes.

2 **Q.** Are you familiar with his height and build?

3 **A.** Yes.

4 **Q.** Are you familiar with the way he walks and moves?

5 **A.** Yes.

6 **Q.** What about Menace; are you familiar with Menace's height
7 and build?

8 **A.** Yes.

9 **Q.** And the way he walks and moves?

10 **A.** Yes.

11 **Q.** The same question for Fish: Have you interacted with him
12 in person?

13 **A.** Yes.

14 **Q.** And are you familiar with his height and build?

15 **A.** Yes.

16 **Q.** And the way he walks and moves?

17 **A.** Yes.

18 **Q.** Based on your in-person observations of these people and
19 your familiarity with them, were you able to identify any of
20 the people in the video surveillance footage of the Nutty B
21 murder?

22 **A.** Yes.

23 **MS. HOFFMAN:** And at this point I'd like to play a
24 short portion of the video, about two minutes before the murder
25 actually happens.

~~GREER - DIRECT~~

1 **THE COURT:** About two minutes. Okay.

2 Since this is going to be on the video, do we have the
3 equipment back?

4 **MR. TRAINOR:** We don't have it.

5 **MS. AMATO:** No, Your Honor.

6 **THE COURT:** Perhaps this is a time for the mid-morning
7 recess, and we'll try to see if this can get fixed before we
8 play the video.

9 **MS. HOFFMAN:** Sure. Thank you.

10 **THE COURT:** All right. So I'm going to excuse the
11 jury.

12 (Jury left the courtroom at 11:36 a.m.)

13 **THE COURT:** All right. And we'll excuse the witness.
14 And we'll excuse the gallery.

15 (Pause.)

16 **THE COURT:** And we'll take our mid-morning recess.

17 (Recess taken.)

18 **THE COURT:** All right. Let's get the jury.

19 And the monitor is working, Mr. Trainor?

20 **MR. TRAINOR:** Oh, yes, Your Honor. Thank you.

21 **THE COURT:** All right. Good.

22 **MR. TRAINOR:** It was unplugged, I believe.

23 **THE COURT:** Okay.

24 (Jury entered the courtroom at 12:01 p.m.)

25 **THE COURT:** All right. I think we have the technology

~~GREER - DIRECT~~

1 plugged in now.

2 **BY MS. HOFFMAN:**

3 **Q.** Mr. Greer, before the break we were talking about the
4 video of the Nutty B murder.

5 And did you watch that video?

6 **A.** Yes.

7 **Q.** And were you able to identify who the shooter was in the
8 video?

9 **A.** Yes.

10 **Q.** Who was it?

11 **A.** Bino.

12 **Q.** I'm going to play you a short portion of the video before
13 the murder actually happens, about a two-minute portion or
14 less, starting at 7 minutes and 30 seconds.

15 (Video played.)

16 **BY MS. HOFFMAN:**

17 **Q.** Do you see the person who just walked in here
18 (indicating)?

19 **A.** Yeah. That's Bino.

20 (Video played.)

21 **BY MS. HOFFMAN:**

22 **Q.** Do you see the person who just walked in behind Bino?

23 **A.** Yeah. That's -- that's Syd.

24 **Q.** And is that the Syd who you identified in the courtroom
25 yesterday?

~~GREER - DIRECT~~

1 A. Yes.

2 (Video played.)

3 BY MS. HOFFMAN:

4 Q. Are you able to tell who this person is (indicating)?

5 A. Yeah. That's Q.

6 (Video played.)

7 BY MS. HOFFMAN:

8 Q. Are you able to tell who just walked in there
9 (indicating)?

10 A. That's Menace.

11 (Video played.)

12 BY MS. HOFFMAN:

13 Q. Can you tell who the person is who just walked over here
14 (indicating).

15 A. At the window, that's Fish.

16 (Video played.)

17 BY MS. HOFFMAN:

18 Q. Did there come a time, Mr. Greer, when you were released
19 on bail from the Baltimore -- from Towson, from the detention
20 center in Towson?

21 A. Yes.

22 Q. And approximately when was that?

23 A. It was May 2016.

24 Q. And I believe you testified you were arrested at the end
25 of July of 2015; is that right?

~~GREER - DIRECT~~

1 A. Yes.

2 Q. Who was released from Towson first, you or Gutta?

3 A. Gutta.

4 Q. I'm going to play you Government's Exhibit SM-6-B.

5 (Video was played but not reported.)

6 BY MS. HOFFMAN:

7 Q. Who was that in that video?

8 A. Gutta.

9 Q. And was that before you got released?

10 A. Yes.

11 Q. Who paid your bail?

12 A. Gutta and my -- a friend of mine.

13 Q. And who picked you up from jail when you were released?

14 A. Gutta.

15 Q. Where did you go when he picked you up?

16 A. We was -- we got -- we went and got something to eat, and
17 then we went to the studio.

18 Q. Where did you go after the studio?

19 A. He dropped me off at -- at my friend' house, at the
20 apartment we was sharing.

21 Q. And did you say that was -- it was the apartment you were
22 sharing?

23 A. Yes.

24 Q. And what was the address?

25 A. 2609 Fairview Ave, Apartment D.

~~GREER - DIRECT~~

1 Q. And Gutta dropped you off there?

2 A. Yes.

3 Q. Did you continue hanging out with members of MMP after
4 your release?

5 A. No.

6 Q. Did you get a job?

7 A. Yes.

8 Q. Where did you get a job?

9 A. Elkridge Country Club.

10 Q. What did you do at the Elkridge Country Club?

11 A. I was a food runner and a server.

12 Q. I want to fast-forward now from May 2016 to September 27th
13 of 2016.

14 Were you arrested by ATF on that day?

15 A. Yes.

16 Q. And what were you charged with?

17 A. Racketeering conspiracy and drug-trafficking conspiracy.

18 Q. And were you incarcerated?

19 A. Yes.

20 Q. Where were you held?

21 A. Chesapeake Detention Facility.

22 Q. Did you run into other members of MMP while you were
23 incarcerated in the Chesapeake Detention Facility?

24 A. Yes.

25 Q. Who did you run into?

~~GREER - DIRECT~~

1 A. It was Murda, T-Roy, Menace, Jakey. Syd eventually came
2 over there.

3 Q. Now, I want to ask you about Syd.

4 Did you have any interactions with Syd while you were in
5 jail?

6 A. Yes. He was on intake tier while I was on my regular
7 unit, and we was right next to each other.

8 Q. I believe you testified yesterday that Syd was a 5200 boy;
9 is that right?

10 A. Yes.

11 Q. And did he sell drugs in the 5200 block of
12 Windsor Mill Road, in that area?

13 A. Yes.

14 Q. Can you remind us what drugs he sold.

15 A. Heroin, crack.

16 Q. And I believe you testified yesterday that at one point
17 you -- that Gutta fronted an ounce of crack to Syd; is that
18 right?

19 A. Yes.

20 Q. And do you know whether that debt was ever paid back?

21 A. As far as I knew, the debt was never paid.

22 Q. So you mentioned that Syd was on intake, and where were
23 you when he was on intake?

24 A. I was on the unit right next to him.

25 Q. Were you able to communicate even though you were in

~~GREER - DIRECT~~

1 different units?

2 **A.** Yes. It was a door that connected both of the units. And
3 then in like the midpart of the door was a space, a square
4 space where you could talk, pass things through from the other
5 side.

6 **Q.** Did you talk to Syd about his case?

7 **A.** Yes.

8 **Q.** What did he tell you?

9 **A.** He -- he explained to me the situation between a guy named
10 Rick and Unc; they had a dispute; and that Gutta wanted Rick --
11 Rick to be killed. And he sent M-Easy to go kill him, but
12 M-Easy didn't -- didn't finish the job.

13 **Q.** I'm going to show you Government's Exhibit IND-84.

14 Well, actually, first, let me show you IND-50.

15 And who's that again?

16 **A.** That's Unc.

17 **Q.** And so Syd told you that there was a dispute between Unc
18 and Rick?

19 **A.** Yes.

20 **Q.** And let me show you Government's Exhibit IND-84.

21 Who's that?

22 **A.** M-Easy.

23 **Q.** And who's M-Easy? Was he a member of MMP?

24 **A.** Yes.

25 **Q.** How did you know?

~~GREER - DIRECT~~

1 **A.** He came to the studio one day on 22nd Street. He shouted
2 the mob -- he did his little mob shout-outs on all his songs.
3 He did the handshake, had the tattoos.

4 **Q.** Does he have any MMP tattoos?

5 **A.** Yes.

6 **Q.** Can you describe.

7 **A.** He got -- he got M on -- he got some M's on him. He got
8 lightning bolts on him.

9 **Q.** Did Syd say anything about why Gutta wanted Rick killed?

10 **A.** He said Gutta believed Rick was cooperating with
11 law enforcement.

12 **Q.** And did Syd say anything about whether or not he had --

13 **MR. DAVIS:** Objection; leading.

14 **THE COURT:** Do you want to just rephrase.

15 **MS. HOFFMAN:** Sure.

16 **BY MS. HOFFMAN:**

17 **Q.** Did Syd tell you anything else about the murder?

18 **A.** He gave me his paperwork about the case.

19 **Q.** I don't want to ask you anything about the paperwork.

20 Did he indicate whether he was involved or not?

21 **A.** I mean, yeah, he -- the way he was explaining it to me,
22 he -- he's saying that they, like -- they trying to put a
23 murder on me. And I -- and I'm like, Bruh, they saying your
24 DNA inside the gloves, the dead man DNA on the outside of the
25 gloves. Like, I don't know what else -- I don't know what else

~~GREER - DIRECT~~

1 to tell you; you know what I mean?

2 Q. About how long were you housed in the Chesapeake Detention
3 Facility?

4 A. About four months.

5 Q. And did there come a time when you were released on
6 supervision?

7 A. Yes.

8 Q. What did you do when you got out on supervision?

9 A. I went back to workin' at the country club I was employed
10 at before the case came.

11 Q. Did there come a time when you began to fear that members
12 of MMP suspected you of cooperating?

13 A. Yes.

14 Q. And what made you think that they suspected you of
15 cooperating?

16 A. I just -- I started getting -- I got into a real bad
17 verbal dispute over the Internet with one of the members,
18 Julio.

19 Q. I'm showing you Government's Exhibit IND-47.

20 Who's that?

21 A. Julio.

22 Q. And what did -- what happened with Julio that made you
23 think they suspected you of cooperating?

24 A. He threatened my kid, and he threatened my girl. He sent
25 me a video of guns in a bag. He said if I violate, you know, I

~~GREER - DIRECT~~

1 was going to die, you know.

2 Q. I want to fast-forward to early 2018.

3 Did there come a time when you decided to go back to jail?

4 A. Yes.

5 Q. Why did you want to go back to custody?

6 A. I was scared for my life.

7 Q. And why were you scared for your life?

8 A. Because we had -- they brought me in and explained to me.

9 MR. ENZINNA: Objection, Your Honor.

10 BY MS. HOFFMAN:

11 Q. Now, I don't want to ask you about -- I don't want to ask
12 you about anything that was told to you by law enforcement
13 officers.

14 But just generally speaking, were you afraid of
15 retaliation from the gang?

16 A. Yes.

17 Q. And why jail? Why did you want to go back to jail?

18 A. I mean, I ain't had nowhere else to go. I ain't got no
19 family. I ain't got -- you know what I'm saying? It's --

20 Q. Did you feel you would be safer in jail?

21 A. I mean, not to be safer, I just felt like the heat would
22 die down if they found out I was locked up, too, still; maybe
23 the pressure would cut off; maybe they would stop thinking that
24 I'm cooperating.

25 Q. How did it affect you? You said you began to fear that

~~GREER - CROSS~~

1 members of the gang suspected you of cooperating.

2 What did that do to you?

3 **A.** It did a lot. I just -- mentally, it just changed me. It
4 affected my self-esteem. Just -- it brought back a lot of
5 memories and feelings that I went through as a kid, just the
6 manipulation.

7 It was -- it just sent me in a dark place. I tried to
8 commit suicide. Like, I just -- I wanted to die, you know, and
9 it was just a bad time for me.

10 **Q.** Are you still fearful for your life today?

11 **A.** Yes.

12 **MS. HOFFMAN:** I have no further questions.

13 **THE COURT:** All right. Mr. Enzinna.

14 CROSS-EXAMINATION

15 **BY MR. ENZINNA:**

16 **Q.** Good afternoon, Mr. Greer.

17 **A.** Good afternoon.

18 **Q.** You mentioned a minute ago, you said it brought back
19 feelings of -- that you had experienced when you were a kid,
20 and you mentioned manipulation. What did you mean by that?

21 **A.** Like, when a person make you think you family, stuff like
22 that. They make you think they care about you, stuff.

23 **Q.** Has that happened to you before?

24 **A.** Yeah.

25 **Q.** You've also mentioned -- I think you said that someone

~~GREEK~~ - ~~CROSS~~

1 threatened your son; is that true?

2 A. My daughter.

3 Q. Sorry?

4 A. Yeah. Julio, he threatened my daughter.

5 Q. Do you have more than one child?

6 A. I got two.

7 Q. How old are they?

8 A. 8 and 3.

9 Q. Okay. Now, you pled guilty; correct?

10 A. Yes.

11 Q. And you've been sentenced. You said you're sentenced to
12 ten years in prison?

13 A. Yes.

14 Q. And you're testifying on the hope of getting that reduced;
15 correct?

16 A. Correct.

17 Q. And the amount of that reduction depends on the
18 prosecution; correct?

19 A. Yes.

20 Q. It's your understanding they could ask for pretty much
21 anything; correct?

22 A. No. It's a -- I was explained it was a -- up to a certain
23 amount of level reductions, depending on how honest I was.

24 Q. Up to how much?

25 A. I believe it was six.

~~GREEK - CROSS~~

1 Q. Six years?

2 A. Six levels, six levels.

3 Q. Which is how many years?

4 A. How many years?

5 Q. Yeah.

6 MS. HOFFMAN: Objection.

7 THE COURT: Overruled. If he has an understanding of
8 it.

9 THE WITNESS: I mean, I really don't have a guarantee.
10 It's -- it could be anywhere from five to three and a half
11 years.

12 BY MR. ENZINNA:

13 Q. Okay. And your release date is in 2026; correct?

14 A. Yes.

15 Q. So if you had -- if you had five years taken off, you'd be
16 getting out in 2021; correct?

17 A. Yeah.

18 Q. Is it your understanding that you could walk out of here
19 with time served?

20 A. I mean, that's what I hope.

21 Q. Okay. Now, you also testified earlier that you -- and I'm
22 not sure if you were arrested or convicted for armed robbery;
23 is that true?

24 A. Yes.

25 Q. And when was that?

~~GREER~~ - ~~CROSS~~

A. 2011.

Q. 2011. How old were you in 2011?

A. I was 19 at the time.

Q. 19. Okay.

Now, do you recall, when you were arrested in 2016 -- I'm sorry. Was it 2016? Yes, in September of 2016, you were arrested?

A. On the federal charges?

Q. RICO charges.

A. Yes.

Q. You were originally detained; correct?

A. Yes.

Q. And then at some point you were permitted to be released, pending disposition of the charges; right?

A. Yes.

Q. Okay. And do you remember there was a detention hearing on your request to be released?

A. Yes.

Q. And do you remember at that hearing Ms. Hoffman characterized your armed robbery as silly?

MS. HOFFMAN: Objection.

THE COURT: Do you want to come up to the bench.

(Bench conference on the record:

THE COURT: What is the question?

MR. ENZINNA: The question was: Do you remember

1 Ms. Hoffman telling the Court that your armed robbery was
2 silly?

3 **THE COURT:** And the relevance is?

4 **MR. ENZINNA:** Well, a couple of relevances. One is it
5 goes to the question of his credibility and what he's getting
6 from the Government for his testimony here.

7 The Government told the judge that his armed robbery
8 was silly to let him get released from custody.

9 **MS. HOFFMAN:** Your Honor, the prosecuting attorney's
10 statements are not evidence. And, I mean, if you want to ask
11 him about his armed robbery convictions, I think he would tell
12 you he used a BB gun. There were two on one day. He turned
13 himself in.

14 There was a lot of -- I believe you're taking one
15 statement out of context. There was a lot of explanation about
16 what those convictions were really about and how many -- his
17 criminal history was overstated based on those convictions, and
18 he was 19 years old. So you're taking something out of
19 context, and my statements at the detention hearing are not
20 evidence.

21 **MR. ENZINNA:** That's really the point I'm trying to
22 make, is that his -- that his arrest for armed robbery really
23 overstates his criminal past.

24 **THE COURT:** I'm sorry. You're trying to make the
25 point --

~~GREEK - CROSS~~

1 **MR. ENZINNA:** Yes.

2 **THE COURT:** -- that his arrest for armed robbery
3 overstates his criminal past?

4 Well, he did get a PBJ which he's testified to.

5 **MR. ENZINNA:** Okay. I'll --

6 **THE COURT:** So why don't we just leave it at that.

7 **MR. ENZINNA:** I'll just leave it at that.

8 **THE COURT:** Okay.

9 **MR. ENZINNA:** Thank you.)

10 (Bench conference concluded.)

11 **THE COURT:** We're going to move on to a different
12 question.

13 **BY MR. ENZINNA:**

14 **Q.** That armed robbery charge was resolved by what's called
15 PBJ; correct?

16 **A.** Yes.

17 **Q.** Probation before judgment?

18 **A.** Yes.

19 **Q.** And what did that mean?

20 **A.** Basically, from what I understood it, it just gave me a
21 second chance. She seen the situation with the case really
22 wasn't that serious and gave me a disposition that fit it.

23 **Q.** All right. You testified yesterday that you were an audio
24 engineer.

25 **A.** Yes.

~~GREEK - CROSS~~

1 Q. How long were you an audio engineer?

2 A. That was like my first year doing it.

3 Q. Okay. How did you become an audio engineer?

4 A. I had -- the dude Ray at Listen To Me Now Studios had an
5 audition, and I went and auditioned. And then in the midst of
6 me auditioning, I was able to get studio time.

7 And then I seen there was no other engineers in the
8 studio, so I took it upon myself to learn it. I watched hours
9 and hours of YouTube videos on how to mix and master, and I
10 started playing with the equipment and learned.

11 Q. Okay. And you said you worked at Listen To Me Studios?

12 A. Listen To Me Now.

13 Q. Who owned that studio?

14 A. A guy named Ray.

15 Q. Ray. Ray Robinson?

16 A. Yes.

17 Q. Okay. And you were employed there?

18 A. Yes.

19 Q. Was Mr. Bailey an employee there, too?

20 A. He was a studio client at first.

21 Q. Was he ever an employee there?

22 A. Ray -- Ray gave him -- he took my key and gave it to him
23 'cause he was behind on rent after he lost his job.

24 Q. Who was behind in rent?

25 A. The guy Ray.

~~GREEK~~ - ~~CROSS~~

1 Q. Okay. All right. And you recorded for Mr. Bailey;
2 correct?

3 A. Yes.

4 Q. Did you record for other people as well?

5 A. Yes.

6 Q. How many other people?

7 A. Everybody from -- pretty much everybody up there at the
8 gas station came to record.

9 Q. Okay. And the recordings that were made, were they
10 released?

11 A. Yes.

12 Q. Were they sold?

13 A. No. They was put on the -- a cyber -- on the Web site, a
14 digital distribution site that you can get on and download and
15 stream.

16 Q. Is that Spinrilla?

17 A. Spinrilla, yes.

18 Q. Spinrilla. Okay.

19 And now, there was talk about mix tapes. What's a mix
20 tape?

21 A. A mix tape is a compilation of songs that you put together
22 and release free of charge.

23 Q. So like a sampler of your work?

24 A. Yes.

25 Q. And would you put those on Spinrilla?

~~GREER~~ - ~~CROSS~~

1 A. Yes.

2 Q. So people could listen to them?

3 A. Yes.

4 Q. Why?

5 A. It was a way to -- it was a marketing tool to help them
6 get their music out there. I had an account, and they wanted
7 their music released. And so I had an outlet to help them
8 produce their music.

9 Q. Well, what was -- if you were putting music up there for
10 free, what was the ultimate goal?

11 A. To gain notoriety with the music so once you start -- once
12 you gain your notoriety, you can release another project that
13 you can eventually start charging for.

14 Q. Okay. And was part of the goal also to get people to come
15 to shows?

16 A. Yes.

17 Q. In fact, I think you looked at a --

18 MR. ENZINNA: Excuse me one moment, Your Honor.

19 BY MR. ENZINNA:

20 Q. I think you looked at this yesterday.

21 A. Yes.

22 Q. This is SM-34.

23 And I think you testified that this was a picture taken
24 after a show?

25 A. Yes.

~~GREEK - CROSS~~

1 Q. What kind of show?

2 A. It was a -- it was a show that I had booked for Gutta and
3 Trouble. But when we got there, Gutta and Trouble didn't want
4 to perform, so me and Julio performed.

5 Q. And what?

6 A. I said they didn't want to perform once we got to the
7 venue, so just me and Julio performed.

8 Q. Okay. Did Mr. Bailey ever perform?

9 A. He performed before.

10 Q. Okay. You also were asked yesterday about whether
11 Mr. Bailey ever rapped about real events.

12 Do you remember that?

13 A. Yes.

14 Q. I think you mentioned the Mirage shooting?

15 A. Yes.

16 Q. Are you familiar with any other rappers who rap about real
17 events?

18 A. Am I familiar? I mean -- I mean, some rappers rap about
19 things that they don't do and other rappers do. But usually
20 when you're -- most case scenario, when you're an unsigned
21 artist, you rap about things that people can really, what's
22 the -- vouch for. So it helps your credibility with gang fans.

23 Q. Is credibility important to a rapper?

24 A. Very.

25 Q. Is that what they mean by "keepin' it real"?

~~GREEK~~ - ~~CROSS~~

1 A. Yes.

2 Q. And do rappers sometimes adopt a persona?

3 A. A rapper can adopt a persona.

4 Q. Like they sometimes pretend that they're bigger or badder
5 than they are?

6 A. An artist can do that.

7 Q. So you testified that Mr. Bailey rapped about the Mirage
8 shooting.

9 A. Yes.

10 Q. You have no reason to believe he was involved in that
11 shooting, do you?

12 A. I mean, in the song, he said we can get it poppin' in
13 front of the Mirage. So I -- I -- I don't know any other way
14 to take it once I hear it.

15 Q. Okay. You also testified yesterday about certain writings
16 that Mr. Bailey wrote, scripts, you mentioned --

17 A. Yes.

18 Q. -- right?

19 And you mentioned a screenplay that used the names of real
20 people?

21 A. Yes.

22 Q. Did you ever talk to Mr. Bailey about those writings?

23 A. Yes.

24 Q. Did he try to publish those writings?

25 A. He said he was going to, you know. I don't believe he

~~GREER - CROSS~~

1 ever did or got a chance to.

2 Q. You don't believe he tried or you don't believe he ever
3 got it published?

4 A. I don't -- I don't think he knew the necessary processes
5 of getting it published.

6 Q. Okay. Are you familiar with the genre called urban
7 fiction?

8 A. Yes.

9 Q. What is it?

10 A. Urban fiction is usually a book that details events,
11 particularly about African-American culture and poverty.

12 Q. Is it -- is it sort of like the concept of keepin' it real
13 in rap, that they write about things that are -- that are --
14 that occur on the streets?

15 A. It would be, like, dressing it up or using names but
16 changing the situation. Instead of someone dying the real way,
17 he could die another way.

18 Q. Okay. Well, like you mentioned, there was a screenplay
19 that used people's names.

20 A. Yes.

21 Q. Were the situations changed in there?

22 A. Yes.

23 Q. So it was fictional?

24 A. In the book, the way that person died was a fiction. But
25 the person actually died in real life.

~~GREER~~ - ~~CROSS~~

1 Q. Okay. All right. Okay. You testified earlier that when
2 the studio closed, you became homeless; correct?

3 A. Yes.

4 Q. And Mr. Bailey invited you to come live with him?

5 A. Yes.

6 Q. And you said there were a number of other people living
7 there; correct?

8 A. Yes.

9 Q. You mentioned Nick?

10 A. Yes.

11 Q. Nick's girl?

12 A. Yes.

13 Q. Nick's mother or his girl's mother?

14 A. I believe it's Nick's mother.

15 Q. And I think you also mentioned Lashawn Williams.

16 A. Tiffany' brother.

17 Q. Tiffany's brother?

18 A. Yes.

19 Q. He lived there too?

20 A. Yes.

21 Q. Okay. Now, while you were there, was Mr. Bailey on an
22 ankle monitor?

23 A. Not at that time.

24 Q. When did he become -- when did he get the ankle monitor?

25 A. When I left and came back, he was on a ankle monitor.

~~GREER - CROSS~~

1 Q. Okay. So when -- the first time you came there was when?

2 A. February, late February.

3 Q. Of 2015?

4 A. Yes.

5 Q. Okay. And then you were there for a couple of weeks, and
6 you left.

7 A. Yes.

8 Q. And then a month later, you came back?

9 A. Yes.

10 Q. So would that be in March or April?

11 A. After the Freddie Gray rise, I was -- when the
12 Freddie Gray rise happened, I wasn't there. When I came back
13 after the Freddie Gray rise and everything happened, I heard he
14 was incarcerated. And he was -- and then he came home, and
15 that's when I got the call from him. And when I came to his
16 house, he was on house arrest.

17 Q. Okay. Well, how long was that after the first time you
18 moved into his house?

19 A. February. It started to be springtime by the time I came
20 back, so . . .

21 Q. Okay. All right. And when you came back, he was
22 wearing -- he was on house arrest and wearing an ankle monitor;
23 correct?

24 A. Yes.

25 Q. And you talked yesterday about faxes you would send to

~~GREEK - CROSS~~

1 ASAP --

2 **A.** Yes.

3 **Q.** -- right?

4 ASAP was the company that administered the monitoring?

5 **A.** Yes.

6 **Q.** Do you remember Mr. Bailey -- do you remember ASAP writing
7 to the Court to report that Mr. Bailey had violated the terms
8 of his house arrest?

9 **MS. HOFFMAN:** Objection.

10 **BY MR. ENZINNA:**

11 **Q.** You don't remember that?

12 **MS. HOFFMAN:** I'm not sure how this witness would
13 know.

14 **THE COURT:** Do you want to come up -- yes, exactly.

15 (Bench conference on the record:

16 **THE COURT:** You said does he remember ASAP writing the
17 Court.

18 **MR. ENZINNA:** Okay.

19 **THE COURT:** How would he --

20 **MR. ENZINNA:** I should have asked it differently. I
21 should have asked it: Did Mr. Bailey ever tell you that?

22 **MS. HOFFMAN:** I'd ask you be more specific about which
23 instance you're talking about.

24 **MS. AMATO:** I can't hear. I'm sorry.

25 **THE COURT:** Ms. Hoffman said something about being

~~GREEK - CROSS~~

1 more specific about which instance.

2 **MS. HOFFMAN:** Yes, I think if you could -- if you
3 could be more specific about which instance you're talking
4 about.

5 **MR. ENZINNA:** Well, first, I'll ask him if he
6 remembers being told that.

7 **MS. HOFFMAN:** Being told that?

8 **MR. ENZINNA:** That he'd been reportedly violated.

9 **MS. HOFFMAN:** Okay.

10 **THE COURT:** Okay.

11 **MR. ENZINNA:** All right. Thank you.)

12 (Bench conference concluded.)

13 **THE COURT:** You can just rephrase that.

14 **MR. ENZINNA:** Yes.

15 **BY MR. ENZINNA:**

16 **Q.** Did Mr. Bailey ever tell you that ASAP had reported him as
17 being in violation of his house arrest?

18 **A.** No, he never told me that.

19 **Q.** Now, you talked yesterday about you would fax a
20 schedule --

21 **A.** Yes.

22 **Q.** -- to ASAP every day to tell them where Mr. Bailey would
23 be.

24 **A.** Yes.

25 **Q.** And the reason for that was because ASAP was monitoring

~~GREER - CROSS~~

1 his whereabouts all day long; correct?

2 A. That's -- to my understanding, it was supposed to have
3 been.

4 Q. I mean, that's the point of the ankle monitor; right?

5 A. Yes.

6 Q. They can tell where he is at any given time.

7 A. Yes.

8 Q. And -- okay.

9 So you testified that you left Mr. Bailey's house after an
10 incident involving a hot dog; correct?

11 A. Yes.

12 Q. And you said that Trouble beat you up.

13 A. Yes.

14 Q. And you said that Mr. Bailey directed him to beat you up?

15 A. Yes.

16 Q. What did Mr. Bailey tell him?

17 A. Well, after the -- after -- after we finished, after he
18 finished beatin' on me, I asked him when I came out the
19 kitchen, I'm like, What was all that about?

20 And he was like, That's right there a DP.

21 Q. Mr. Bailey told you it was a DP?

22 A. Yes.

23 Q. Okay. In fact, Mr. Bailey is the one who told Trouble to
24 stop; correct?

25 A. I mean, I didn't hear him say, "Stop." Trouble just

~~GREEK - CROSS~~

1 stopped.

2 Q. Well, did you tell -- did you tell the -- Agent Aanonsen
3 and Ms. Hoffman (indicating) that Mr. Bailey -- that Trouble
4 beat you up until Bailey told you to stop -- told him to stop?

5 A. I mean -- I mean, when you gettin' beat up, I don't know
6 if you can hear outside influences. I just figured he stopped
7 randomly. I don't know what make him just stop. He eventually
8 stopped. So from my understanding, he must have said something
9 to him for him to stop in the midst of him hitting me.

10 Q. Okay. All right. And you moved back a month later;
11 right?

12 A. A little bit over.

13 Q. Because Mr. Bailey had reached out to you and apologized?

14 A. Yeah.

15 Q. And asked you to come back?

16 A. (Nods head.)

17 Q. Because he said he liked the way you recorded?

18 A. Yes.

19 Q. Now, you wanted to be a member of MMP, didn't you?

20 A. When I first "seened" him in the studio.

21 Q. And but you never did join?

22 A. No.

23 Q. You said members tried to recruit you?

24 A. Yes.

25 Q. Did you tell them, No, you wouldn't join?

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1 **A.** I told 'em, "Naw, that's not me."

2 **Q.** Okay. In fact, after the hot dog incident and after you
3 were beaten, Mr. Bailey told you you were not qualified to be
4 in MMP; correct?

5 **A.** Yep.

6 **Q.** And then you talked yesterday about an incident where some
7 drugs went missing in the barbershop.

8 **A.** Yes.

9 **Q.** And you were beat -- you were blamed for that?

10 **A.** Yes.

11 **Q.** And you were beaten up for that?

12 **A.** Yes.

13 **Q.** And you also testified this morning about an incident
14 where Mr. Bailey told you to kill somebody; correct?

15 **A.** Yes.

16 **Q.** And you didn't do it?

17 **A.** No.

18 **Q.** And you came back and talked to Mr. Bailey and told him
19 that the guy was not where you -- was not there.

20 **A.** Uh-huh.

21 **Q.** And Mr. Bailey accused you of lying --

22 **A.** Uh-huh.

23 **Q.** -- and just said, "You're just afraid to do it"; right?
24 And he told you you couldn't be trusted; right?

25 **A.** Yes.

~~GREEK - CROSS~~

1 Q. And this would have been -- would have been when?

2 A. A couple weeks before we got locked up.

3 Q. A couple weeks before you got locked up.

4 A. No, no, not couple a weeks. Probably days, before the
5 party.

6 Q. All right. And I'd like to play a -- yes, I'm going to
7 play for you a call that you listened to yesterday, which is
8 J-18.

9 (Counsel conferred.)

10 THE COURT: This is a jail call?

11 MR. ENZINNA: Jail Call 18.

12 THE COURT: Is that the one starting on Page 66?

13 MR. ENZINNA: Page 66, yes.

14 You know, maybe I will save the audiovisual portion of
15 my cross-examination for after lunch.

16 Let me move on.

17 Well, no. I need to do it now. I think I can do
18 this.

19 THE COURT: If you want to play it, I guess you've got
20 to plug it in.

21 MR. ENZINNA: I apologize.

22 (Pause.)

23 MR. ENZINNA: It doesn't seem to be playing. We'll
24 come back to that.

25 BY MR. ENZINNA:

~~GREER - CROSS~~

1 Q. All right. Mr. Greer, you were arrested on the
2 racketeering charges in September of 2016; correct?

3 A. Yes.

4 Q. Okay. I'd like to . . .

5 So September 2016, you were arrested; right?

6 A. Uh-huh.

7 Q. And then a couple of weeks later, you were ordered
8 detained; correct?

9 A. You said we was detained?

10 Q. You were ordered held in jail before the trial?

11 A. Yeah. I was in Supermax.

12 MS. HOFFMAN: Your Honor, may we approach?

13 THE COURT: Sure.

14 (Bench conference on the record:

15 MS. HOFFMAN: A couple issues.

16 First, I'm not sure whether this is intended to be --

17 MS. AMATO: I'm sorry. Can -- Ms. Hoffman, can you
18 speak up a little.

19 MS. HOFFMAN: I had a couple issues.

20 First, just what you're writing down, are you
21 intending for this to be an exhibit?

22 MR. ENZINNA: Yes.

23 MS. HOFFMAN: Well, I think, you know, if the
24 demonstrative -- if the glossary is not going to be admitted as
25 an exhibit, then the attorneys --

1 **THE COURT:** I'm not admitting anything yet.

2 **MS. HOFFMAN:** The second, bigger issue, I think I know
3 where this is going. At Mr. Greer's initial detention hearing,
4 he did not have a suitable third-party custodian. And the
5 Government agreed with pretrial's recommendation that he be
6 detained but said that they would reconsider the position if a
7 suitable third-party custodian were found.

8 At his second detention hearing a few months later, he
9 had a third-party custodian. And we consented to his release.

10 I think what Mr. Enzinna is attempting to do is to
11 cast -- is to paint the prosecutors in an unfavorable light for
12 agreeing to his release after he had signed a cooperation
13 agreement.

14 And I don't think that that's relevant, admissible
15 evidence. And I believe that it's misleading to suggest that
16 he was released because he had signed a cooperation agreement.

17 **THE COURT:** Okay. Mr. Enzinna.

18 **MR. ENZINNA:** I don't plan to suggest why he was
19 released. All I plan to do is I want to show the extent of
20 his -- I want to show the extent of his cooperation with the
21 Government, and I want to show how his story changed over time.

22 **MS. HOFFMAN:** I don't believe there's any good-faith
23 basis to say that his story changed over time. His story has
24 been consistent from the beginning.

25 **THE COURT:** Okay. Well, I don't know exactly where

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1 we're going yet. I don't have enough of a basis to tell
2 Mr. Enzinna he can't ask questions about how long he was
3 detained and when he was released.

4 You can object again if you think it gets into
5 something improper.)

6 (Bench conference concluded.)

7 **MR. ENZINNA:** I'll just jump ahead.

8 **BY MR. ENZINNA:**

9 **Q.** You were originally detained; correct?

10 **A.** Yes.

11 **Q.** Then several months later you were released; correct?

12 **A.** Four months later I was released.

13 **Q.** In February; correct?

14 **A.** Yes.

15 **Q.** February of 2017?

16 **A.** Yep; house arrest.

17 **Q.** Okay. And then sometime later, you were put back in
18 detention; right?

19 **A.** Year later.

20 **Q.** Okay. All right. Now, you met with prosecutors and with
21 agents several times in this case, didn't you?

22 **A.** Yes.

23 **Q.** In fact, on, it looks like -- well, let me back up.

24 You -- after you were arrested, you met with the
25 prosecutors in November of 2016; correct?

~~GREER - CROSS~~

1 **A.** I don't know the dates. I just know I met with them.

2 **Q.** Well, do you remember that people took notes when you
3 talked to them?

4 **A.** Yes.

5 **Q.** And they asked you questions about events?

6 **A.** Well, I went in, first, with my information. And then
7 they asked questions to clarify the information I gave them.

8 **Q.** So you told them what happened, and they asked you
9 questions about it. And do you remember someone wrote down
10 notes, took notes of it?

11 **A.** Yes.

12 **Q.** Have you ever seen those notes?

13 **A.** Yes.

14 **Q.** If I were to show you those notes, would it refresh your
15 memory about when you had that meeting?

16 **A.** Yeah.

17 **MR. ENZINNA:** Your Honor, may I?

18 **THE COURT:** This is just for the date of the meeting?

19 **MR. ENZINNA:** Yes.

20 **BY MR. ENZINNA:**

21 **Q.** (Handing.)

22 **A.** Yes.

23 **Q.** Does that refresh your recollection?

24 **A.** November '16.

25 **Q.** November 17th?

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1 A. 17th.

2 Q. 2016?

3 A. 2016.

4 Q. And then you met with the prosecutors and the agents again
5 later on; correct?

6 A. Yes.

7 Q. You met with them on February 14th?

8 A. Yep. That's the day I went -- I went -- I went home on
9 the box.

10 Q. Okay. And that's the day you were released; right?

11 A. Yes.

12 Q. Were you released before the meeting or after?

13 A. After.

14 Q. Okay. And then two days later you met with the agents
15 again; correct?

16 A. I don't remember the exact day. I know it wasn't too long
17 after.

18 Q. Okay. Well, do you remember appearing before the
19 grand jury in this case?

20 A. Yes.

21 Q. And before you went into the grand jury, you met with the
22 prosecutors for some time; correct?

23 A. Yeah, we had -- yes.

24 Q. On that day?

25 A. On the grand jury day?

~~GREER~~ - ~~CROSS~~

1 Q. Yes.

2 A. I don't remember that day. I know that -- that was --
3 that was a tough day for me. So I don't really -- I remember
4 the grand jury part 'cause it was -- I was -- that was a hard
5 time for me, you know.

6 Q. Okay. Well, if I were to show you the notes from that
7 meeting, would it refresh your recollection about whether you
8 met before the grand jury?

9 A. Yeah. Let me see it.

10 Q. All right. I'm actually going to . . .

11 (Counsel conferred.)

12 BY MR. ENZINNA:

13 Q. I'm also showing you the transcript from the grand jury.
14 If you'd just look -- I'm also showing you the transcript from
15 the grand jury. And if you'd just look at these sentences
16 right here (indicating), does that refresh your recollection?

17 A. (Nods head.)

18 Okay.

19 Q. Does that refresh your recollection, Mr. Greer?

20 A. Yes.

21 Q. So you did meet with the prosecutors and the agents
22 immediately before you spoke to the grand jury; correct?

23 MS. HOFFMAN: Objection to the report on the screen.

24 THE COURT: Yes.

25 MR. ENZINNA: Oh, I'm sorry. That was a mistake.

~~GREER - CROSS~~

1 **BY MR. ENZINNA:**

2 **Q.** All right. Mr. Greer, in your meetings with the
3 Government, with the prosecutors and the agents, did you ever
4 feel scared?

5 **MS. HOFFMAN:** Objection.

6 **THE COURT:** Do you want to come up to the bench.

7 (Bench conference on the record:

8 **MS. HOFFMAN:** I think the question is overbroad, but I
9 also think that he's trying to get into the subject matter that
10 was ruled inadmissible.

11 **MR. ENZINNA:** I'm not.

12 **THE COURT:** I'm not sure.

13 **MR. ENZINNA:** I'm just asking generally if he felt
14 scared.

15 **THE COURT:** Scared of what?

16 **MR. ENZINNA:** Scared about his situation, about what
17 would happen.

18 **THE COURT:** Okay. What is it that you think is
19 inadmissible?

20 **MS. HOFFMAN:** Well, before Mr. Greer took the stand
21 yesterday, I think Your Honor ruled that the questioning about
22 the G-Rock murder and the letter that he wrote to the Court
23 about feeling coerced about whether he was involved in that
24 murder was inadmissible. And I think that that's what
25 Mr. Enzinna is trying to elicit from him.

1 And I think that there is a danger that it will, in
2 fact, elicit that from him, and so I think that the question
3 should be rephrased in such a way to ensure that it will not
4 elicit the information that was ruled inadmissible.

5 **MR. ENZINNA:** Well, the problem is I don't know how to
6 do that, because I could say: Putting aside that matter, did
7 you ever feel scared?

8 But that rings the bell.

9 **THE COURT:** How about -- I mean, if what you are
10 legitimately trying to get at is scared about what charges he
11 was facing --

12 **MR. ENZINNA:** Yeah, I'll specify that. But I do plan
13 to ask him, also: Did anyone ever tell you that anything you
14 said was incorrect or that -- tell you what to say.

15 **MS. HOFFMAN:** No, nobody ever told him that what he
16 said was incorrect.

17 **MR. ENZINNA:** I can ask him that.

18 **MS. HOFFMAN:** I don't think there's any good-faith
19 basis for the question.

20 **THE COURT:** What does it matter whether some other
21 person told him that what he said was incorrect?

22 **MR. ENZINNA:** If it's the prosecutors or the agents?

23 **MS. HOFFMAN:** Well --

24 **MR. ENZINNA:** If it's the prosecutors or the agents?

25 **MS. HOFFMAN:** Well, the prosecutor's opinion about the

1 information that he's provided is not evidence.

2 And, furthermore, there is no basis -- good-faith
3 basis to believe that prosecutors or investigators ever did
4 that.

5 In fact, the report says the contrary. And his letter
6 says the contrary, that we believed him.

7 **THE COURT:** I don't know what specifically you're
8 trying to get at, Mr. Enzinna.

9 **MR. ENZINNA:** I want to get to the point that he
10 was -- it was suggested to him what to say or that he was
11 pressured to say certain things.

12 **MS. HOFFMAN:** Again, there is no good-faith basis to
13 believe that. And I think there's a danger of eliciting the
14 response that was ruled inadmissible.

15 **MR. ENZINNA:** I'd be happy to do this after the break,
16 and we can instruct the witness to leave that out.

17 **THE COURT:** Well, we can certainly do this after the
18 break. And, yes, then that would provide an opportunity to
19 make it clear to the witness that he should not mention this
20 particular topic.

21 **MR. ENZINNA:** That's fine.

22 **THE COURT:** And do you have anything else that you're
23 expecting him to say that the prosecutors coerced him or told
24 him they didn't believe him or something like that?

25 **MR. ENZINNA:** I don't -- I don't know what he's going

1 to say.

2 **THE COURT:** Then I sustain the objection to the
3 question. It is too dangerous. There is no assurance that
4 we're going to get a relevant answer, so I'll sustain the
5 objection.

6 **MR. ENZINNA:** Okay.

7 **THE COURT:** Something else?

8 **MR. ENZINNA:** While we're here, do you want to just
9 take the break?

10 **THE COURT:** Yes. I was going to go ahead and take the
11 break, and you can fix the jail call thing.)

12 (Bench conference concluded.)

13 **THE COURT:** So this looks like a good opportunity for
14 the lunch recess, ladies and gentlemen.

15 We're going to excuse you until 2 o'clock, and then
16 we'll be continuing.

17 The jury is excused.

18 (Jury left the courtroom at 12:59 p.m.)

19 **THE COURT:** All right. And we'll excuse the witness.

20 And we'll excuse the gallery.

21 All right. We'll take our --

22 **MR. SARDELLI:** Co-counsel has requested to go before
23 me in cross-examination, and I've got no objection, Your Honor.

24 **THE COURT:** Okay. That's fine. Same rules. No
25 duplicate questioning, but the order is entirely up to you.

1 All right. We'll take the lunch recess.

2 (Luncheon recess taken.)

3 **THE COURT:** All right. I understand there's an issue
4 before we bring the witness back?

5 **MR. ENZINNA:** Yes, Your Honor.

6 The letter that Mr. Greer wrote to the Court --

7 **THE COURT:** I'm sorry. Yes.

8 **MR. ENZINNA:** The letter that Mr. Greer wrote to the
9 Court --

10 **THE COURT:** Yes.

11 **MR. ENZINNA:** -- there's a portion of the letter that
12 does not concern the matter we talked about earlier, but where
13 he says that on February 12th, 2018 [reading]: I decided to
14 return to custody because Mr. Schreiber, his lawyer, said I
15 would be doing more time -- and I'm not sure what the next word
16 is -- but he said on 2/14/17 that none of my home confinement
17 time counted toward my sentence.

18 So he testified earlier that he went back to jail
19 because he's afraid for his life. And here he says he went
20 back because he wanted to get his sentence over with.

21 And I'd like to be able to impeach him with that.

22 **THE COURT:** All right.

23 **MR. ENZINNA:** I just wanted to let the Court know.

24 **THE COURT:** Is there any objection to that part of the
25 letter?

1 **MS. HOFFMAN:** Your Honor, I think that it's fair for
2 Mr. Enzinna to ask him whether he wrote to the -- you know:
3 Did you tell the judge that you went back to custody because
4 you wanted to get credit for your time?

5 And I don't know what his answer would be, but I
6 assume he would say that, yes, that was part of the reason,
7 too.

8 Assuming there's no inconsistent statement, I think
9 it's clear the letter does not come into evidence.

10 **THE COURT:** Oh, and I don't hear Mr. Enzinna offering
11 it; right? Just -- I mean, there's a portion of it that you
12 want to ask about.

13 **MR. ENZINNA:** Yes. Correct.

14 **MS. HOFFMAN:** But I did want to -- given that he's
15 going to be questioned about this letter, we talked --
16 discussed earlier the possibility of instructing him that he's
17 not to talk about the other portion of the letter.

18 **THE COURT:** Right.

19 **MS. HOFFMAN:** And so I did want to have a chance to
20 tell him that.

21 **THE COURT:** Yes. Okay. Two things: Let me just take
22 it -- let's see, did I keep the letter yesterday? I might
23 have, but I'm not sure.

24 Okay. Yes, there's a little piece of the letter, as
25 Mr. Enzinna just said, that he returned to custody because the

1 home confinement time wasn't counting. So I think that's fair,
2 as long as we don't get into the rest of it.

3 And, yes, so what we should do is bring Mr. Greer out
4 here. And Ms. Hoffman -- and, Mr. Enzinna, if you want to
5 listen to what Ms. Hoffman says, that's fine.

6 Just -- Ms. Hoffman will advise that, you know,
7 despite what questions he may get asked about this letter, he
8 should not mention this murder of some other person.

9 **MR. ENZINNA:** Well, will that be on the record?

10 **THE COURT:** On the record? It's on the record right
11 now that I'm telling you to do that --

12 **MR. ENZINNA:** I'm just saying is what Ms. Hoffman's
13 going to tell him going to be on the record?

14 **THE COURT:** No.

15 **MR. ENZINNA:** If not, I'll go listen in.

16 **THE COURT:** You may listen.

17 **MR. ENZINNA:** Okay. Then I will.

18 **THE COURT:** I will assume, as an officer of the Court,
19 that both of you will relate accurately to me what is said when
20 speaking to the witness.

21 **MS. HOFFMAN:** I'm happy to put it on the record,
22 Your Honor. It's not a problem.

23 **MR. ENZINNA:** I just didn't want to intrude.

24 **THE COURT:** We'll bring in Mr. Greer.

25 Ms. Hoffman and Mr. Enzinna can both jointly go and

~~GREER - CROSS~~

1 tell him what we've just discussed.

2 If Mr. Enzinna has any concern that it hasn't been
3 stated accurately, he will let everyone know.

4 Okay. Let's get Mr. Greer.

5 (Witness entered the courtroom at 2:09 p.m.)

6 **THE COURT:** All right. Ms. Hoffman and Mr. Enzinna,
7 would you like to approach the witness.

8 (The witness conferred with counsel.)

9 **THE COURT:** Satisfactory to both counsel?

10 **MR. ENZINNA:** Yes, Your Honor.

11 **THE COURT:** All right. Then we'll get the jury.

12 (Jury entered the courtroom at 2:11 p.m.)

13 **THE CLERK:** Mr. Greer, you're still under oath.

14 Please remember to speak directly into the microphone
15 and speak nice and loud.

16 **THE WITNESS:** Yes, ma'am.

17 **THE CLERK:** Please.

18 **THE COURT:** All right. Mr. Enzinna, if you'd like to
19 continue.

20 **BY MR. ENZINNA:**

21 **Q.** Good afternoon, Mr. Greer.

22 Mr. Greer, you testified earlier that you while you were
23 on pretrial release, you made the decision to go back into
24 jail; correct?

25 **A.** Yes.

~~GREEK - CROSS~~

1 Q. And I believe you testified it was because you were afraid
2 for your life?

3 A. Yes.

4 Q. Did you write a letter to the judge, Judge Blake, last
5 year in May?

6 A. Yes.

7 Q. And in that letter, did you tell her there was a different
8 reason why you wanted to go back to jail?

9 A. I put in other reasons on top of it.

10 Q. Well, did you tell her that you decided to go back and --
11 into confinement because you understood that your home
12 confinement wasn't counting towards your sentence?

13 A. Yeah, I put that in the letter, yeah.

14 Q. And you didn't say anything about fearing for your life,
15 did you?

16 A. She already knew that part.

17 Q. But you didn't put it in the letter, did you?

18 A. I didn't feel it was needed to put in the letter.

19 Q. All right, sir.

20 All right. Let's go back to where we were earlier today.

21 I'm going to attempt to play a jail call for you. This is Jail
22 Call 24, and it's found at Page 85 of the transcript booklet.
23 This is a call we listened to earlier.

24 And I'm starting it at about 2 minutes and 30 seconds.

25 (Audio was played but not reported.)

~~GREER - CROSS~~

1 **BY MR. ENZINNA:**

2 **Q.** Mr. Greer, in that portion of the tape you're talking
3 about a mix tape; correct?

4 **A.** Yes.

5 **Q.** A mix tape on Spinrilla?

6 **A.** Yes.

7 **Q.** And there's a discussion about Black Blood. How did that
8 relate to the mix tape?

9 **A.** Gutta wanted to start a mix tape series called Black Blood
10 where he put other people, like different people from around
11 the city, different gangs, and have 'em collaborate onto one
12 project and promote it.

13 **Q.** Okay. So you had made two mix -- you had made two mix
14 tapes?

15 **A.** Yeah. The first version, we have Volume 1. And then
16 Volume 2 came out after.

17 **Q.** Now, I want to jump ahead in this tape at about
18 14 minutes and 40 seconds.

19 (Audio was played but not reported.)

20 **BY MR. ENZINNA:**

21 **Q.** Did you hear that was Mr. Edges talking?

22 **A.** Yes.

23 **Q.** And he said, Holla at Syd?

24 **A.** Yes.

25 **Q.** That's a word that comes up a lot in these calls, the word

~~GREEK - CROSS~~

1 "holla." What does it mean?

2 **A.** Go see that person about something, go talk to that
3 person.

4 **Q.** Okay. Let me play another tape.

5 This is J-21, and I'm going to skip ahead to -- I'm going
6 to skip ahead to about 3 minutes and 15 seconds.

7 **THE COURT:** I'm sorry, J --

8 **JUROR:** J --

9 **MR. ENZINNA:** I'm sorry. J-21, and this is at Page 76
10 in the transcript.

11 (Audio was played but not reported.)

12 **BY MR. ENZINNA:**

13 **Q.** So I think you testified earlier that what's happening in
14 this call is that Kenny didn't want to deal with you because he
15 didn't know that it was okay; is that correct?

16 **A.** I mean, he didn't -- he ain't know nothin' what I was
17 talkin' about. He ain't -- he like, I don't know what you
18 talkin' about. I need to holla at y'all.

19 **Q.** And Mr. Bailey said, All you need to do is holla at
20 Champagne?

21 **A.** Yeah.

22 **Q.** That means talk to you?

23 **A.** Yeah.

24 **Q.** All right. Now, the -- you talked earlier about shows,
25 rap shows.

~~GREER~~ - ~~CROSS~~

1 A. Yes.

2 Q. Are you familiar with a place called the Windsor Mill Inn?

3 A. Yes.

4 Q. Is that in that neighborhood near the BP station?

5 A. It's further up, more like in Baltimore County.

6 Q. But it's on Windsor Mill Road?

7 A. Yes.

8 Q. Okay. And is that a place where you go to eat, get food?

9 A. Yes.

10 Q. Get takeout there?

11 A. Yes.

12 Q. And you also -- there was also -- you discussed
13 Mr. Bailey's efforts to recruit people to MMP, a man named
14 Blizz, I think you mentioned?

15 A. Yes.

16 Q. Was MMP part of the rap business that was going?

17 A. No. TCGMG, that's the music part.

18 Q. Okay. Was any of the -- were any of the rappers or any of
19 the rap called MMP or anything like that?

20 A. No.

21 Q. Did Mr. Bailey ever tell you that he wanted to sign
22 Mr. Blizz to a recording contract?

23 A. I mean, he explained to me that Blizz was a rapper and
24 that Blizz had a campaign already and he was interested in
25 bringing him to TCGMG.

~~GREEK - CROSS~~

1 Q. All right. You testified earlier about a search warrant
2 that was executed on July 3rd, 2015, at the home on
3 Princely Way.

4 A. Yes.

5 Q. And you were there?

6 A. Yes.

7 Q. You were living there at the time?

8 A. Yes.

9 Q. And I believe you testified that there were guns found in
10 the trunk of the car; correct?

11 A. Yes.

12 Q. Isn't it true that Mr. Bailey made people who came to the
13 house who brought guns put them in the car?

14 A. Yes.

15 Q. In fact, shortly before July 3rd, you had put a gun in the
16 car, hadn't you?

17 A. If he needed a gun in the car, I go put the gun in the
18 car.

19 Q. I'm sorry. What?

20 A. I said whoever came to the house, they would -- Gutta tell
21 me, Take the gun and put it in the car.

22 Q. No. I'm talking about something else.

23 I'm talking about an incident on June 9th, 2015, an
24 individual named Carlos Gonzalez was assaulted and robbed.

25 MS. HOFFMAN: Objection.

~~GREER - CROSS~~

BY MR. ENZINNA:

Q. Do you remember that?

THE COURT: Do you want to come up to the bench.

(Bench conference on the record:

THE COURT: Basis?

MS. HOFFMAN: Well, I guess I object to the reading from the report, but I don't think -- I think this witness does have knowledge about this incident. I'm not sure he knows the name of the person or the date that it happened.

MR. ENZINNA: I was just trying to remind him.

THE COURT: Okay. Go ahead.)

(Bench conference concluded.)

BY MR. ENZINNA:

Q. Do you remember an incident a few weeks before the search warrant at the BP gas station where there was an argument with a Hispanic male? You grabbed someone's arm and a gun fired.

A. Oh, when I saved the dude's life?

Q. I'm sorry?

A. When I saved the dude's life?

Q. I didn't know that you saved his life. Did you?

A. Yeah.

Q. Okay. You grabbed someone's arm, and the gun went off?

A. Well, I stopped someone from whipping out the gun and shootin', and then our tussle caused the gun to go off.

~~GREEK - CROSS~~

1 Q. And then you put that gun in Mr. Bailey's car; correct?

2 A. Yeah.

3 Q. Now, you also testified earlier about a gentleman named
4 Rick. You said Mr. Frazier told you about Rick?

5 A. I don't know who Mr. Frazier is.

6 Q. Syd.

7 A. Oh, Syd. Oh, yeah, yeah. Yeah.

8 Q. Okay. And is that where you got your information about
9 Rick?

10 A. Yes.

11 Q. And you said that -- something to the effect that
12 Mr. Bailey had brought M-Easy to kill him, but he didn't do it
13 right?

14 A. Yep, that's what Syd said.

15 Q. Okay. And I think you also testified earlier that the
16 reason he did that was because Mr. Bailey believed that Rick
17 was cooperating; correct?

18 A. Yes.

19 Q. Now, when you testified in front of the grand jury, you
20 were asked about that murder, weren't you?

21 A. I think that I was.

22 Q. And you told them that you -- you told them about M-Easy?

23 A. Yes.

24 Q. But you didn't tell them about the cooperation, did you?

25 MS. HOFFMAN: I didn't hear the question.

~~GREER - CROSS~~

1 **BY MR. ENZINNA:**

2 **Q.** I said, You didn't tell them about the cooperation, did
3 you?

4 **A.** I just told 'em the story I was told. I didn't . . .

5 **Q.** And when they asked you did you know anything else about
6 the murder, you said, "No"; correct?

7 **A.** I mean, I only knew the situation. I ain't know nothin'
8 about no murder or nothin'.

9 **Q.** Well, today you testified that you know that Mr. Bailey
10 wanted Rick killed because he was cooperating. Did you not
11 know that at the grand jury?

12 **A.** Well, at the grand jury, that's when I found out when I
13 talked to Syd. And I went to the grand jury, and I told them
14 the story of the situation.

15 **Q.** But you didn't say anything about Rick being a cooperator?

16 **A.** I mean, maybe I left that minor detail out, but I
17 explained the story to 'em.

18 **Q.** All right. You testified earlier about something called
19 the Black Blood Brotherhood.

20 **A.** Yeah.

21 **Q.** Now, we talked a minute ago about Black Blood and the mix
22 tapes.

23 **A.** Right.

24 **Q.** Were they related?

25 **A.** I mean, can I say they're related to a mix tape? I'm

~~GREEK - CROSS~~

1 dealing with the business side of it. I can't really say if
2 they street ties related to the music ties, but it would make
3 no sense for you to name a mix tape out of something that just
4 came out of thin air.

5 Q. Okay. And as I understood what you -- what you were
6 describing was a situation where different gangs would agree to
7 basically swap murders; correct?

8 A. You say "swap"? Say it again.

9 Q. That one gang might want to kill somebody, but they'd have
10 the other gang do the murder so it would be harder to trace it;
11 right?

12 A. Exactly.

13 Q. And you testified that the John Wayne shooting was part of
14 that; right?

15 A. I mean, it's that Black Blood situation. I don't know if
16 I said it was a Black Blood situation, but I know members of
17 this -- of the Black Blood handled that in a format that looked
18 just like what Black Blood is supposed to be.

19 Q. So was -- was the John Wayne shooting one of those murders
20 that was traded between the gangs?

21 A. I mean, that's what it looked like.

22 Q. It looked like that?

23 A. It looked like that.

24 Q. Who wanted John Wayne dead?

25 A. Fish.

~~GREEK - CROSS~~

1 Q. Fish did. Fish is BGF; correct?

2 A. Yeah.

3 Q. And who shot John Wayne?

4 A. Spotty.

5 Q. And Spotty worked with Fish?

6 A. Yeah.

7 Q. They were both BGF?

8 A. Yeah.

9 Q. So BGF did its own murder; correct?

10 A. Well, Gutta set it up.

11 Q. Set it up, by meeting this John Wayne at the gas station?

12 A. Yeah.

13 Q. Okay. Now, you said earlier that the dude brought backup.
14 When you said that, you meant John Wayne; correct?

15 A. Yeah.

16 Q. Because he brought the people in the Honda who got out and
17 shot; right?

18 A. Yeah.

19 Q. So he anticipated that something was happening.

20 A. I mean, he must have, you know.

21 Q. And there were a number of other people who have been
22 accused of being members of MMP at the gas station; right?

23 A. Yeah. There was a lot of people at the gas station.

24 Q. I mean, that was not unusual, was it?

25 A. No.

~~GREEK - CROSS~~

1 Q. It was not unusual for Dante Bailey to meet someone at the
2 gas station, was it?

3 A. No.

4 Q. Now, in fact, John Wayne -- are you familiar with a BGF
5 member named Monkey Dog?

6 A. Yes.

7 Q. And Monkey Dog was seeing a woman who had a child by
8 John Wayne; correct?

9 A. Yeah, I think.

10 Q. So she was John Wayne's babymother?

11 A. Yeah.

12 Q. And so Monkey Dog and John Wayne had a beef; correct?

13 A. Yeah.

14 Q. And after the murder or the shooting, Fish came back to
15 the house where everybody was and said he had taken care of
16 Monkey Dog's problem; right?

17 A. Fish was already at the house.

18 Q. Right. Well, I mean after the shooting, they came to the
19 house.

20 A. Yeah, they came to the house.

21 Q. Okay. And Fish said that he had taken care of
22 Monkey Dog's problem; right?

23 A. Gutta said it.

24 Q. When you testified in front of the grand jury, do you
25 recall giving this testimony?

~~GREEK - CROSS~~

1 [Reading]: So when Monkey Dog came in, Fish told him that
2 he took care of his problem for him.

3 A. He said, I handled that.

4 Q. I'm sorry?

5 A. He said, I handled the situation.

6 Q. Fish said that?

7 A. Yeah; and then the dude, John Wayne's babymother said, Oh,
8 so you was there at the scene? You was a eyewitness?

9 And that's when Gutta said, Yeah. I had that done.

10 Q. Right. But before when I asked you, "Did Fish say that he
11 had taken care of Monkey Dog's problem?" you said that Gutta
12 did. That's not right, is it?

13 A. I mean, he insinuated a response that Gutta later totally
14 clarified to make sure he understood that Gutta had full
15 dealings with it.

16 Q. Okay. We talked earlier about the fact that you met with
17 the agents for the ATF and the prosecutors multiple times;
18 correct?

19 A. Yeah.

20 Q. And you spoke with them on these occasions about these
21 different events; right?

22 A. Yes.

23 Q. And you told them about the -- this John Wayne shooting
24 the first time you met with them in November of 2016; correct?

25 A. I don't remember which meetin' I told him. I'd been to a

~~GREEK - CROSS~~

1 lot of meetings.

2 Q. Okay. And was there ever a meeting where you didn't tell
3 them about it?

4 A. Different meetings had different stuff. Some meetings had
5 different stuff. I can't say every meetin' was on every single
6 thing.

7 Q. Well, when you spoke with them about this incident, did
8 you tell them the whole story?

9 A. I mean, I told 'em what came to my memory of the
10 situation.

11 Q. And did you tell them that every time?

12 A. I told 'em everything that I knew about the situation.

13 Q. Well, you didn't mention the fact -- you didn't mention
14 that -- what you said earlier today. You said Mr. Bailey after
15 this incident wanted you to shoot someone who had been in the
16 Honda shooting at him; correct?

17 A. I definitely told him about that.

18 Q. You didn't tell him about that the first time you met with
19 him, did you?

20 A. What you say? I didn't tell him what?

21 Q. The first time you met with them in November of 2016, you
22 told them about this incident; correct?

23 A. I mean, I told 'em about a lot of different incidents.

24 Q. Well, but I'm focusing on this instance right now.

25 A. I mean, I can't tell you exactly everything I told him

~~GREEK - CROSS~~

1 from the first -- very -- proffer meeting.

2 **Q.** Would it refresh your recollection if I showed you the
3 agent's report?

4 **A.** I mean, you could show me -- show me.

5 **Q.** (Hanging.)

6 This is the agent's report of the investigation. Take a
7 look at that. Read it to yourself and see if it refreshes your
8 recollection.

9 **A.** (Reviews document.)

10 **Q.** Does that refresh your recollection?

11 **THE COURT:** Of what exactly, Mr. Enzinna?

12 **BY MR. ENZINNA:**

13 **Q.** Of whether or not you told them about the supposed hit
14 during that first inter --

15 **MS. HOFFMAN:** Your Honor, may we approach?

16 **THE COURT:** Okay.

17 (Bench conference on the record:

18 **MS. HOFFMAN:** So Mr. Enzinna is asking him about the
19 first offer in Paragraph 28. He did tell us about it,
20 actually. It's a lengthy report, so I don't know if it makes
21 sense to have him read through it word for word, but --

22 **THE COURT:** Paragraph 28 covered both the -- well, it
23 covers the instruction about a man in orange shorts.

24 **MR. ENZINNA:** You're correct; it does. My mistake.

25 **THE COURT:** Why don't we move on to another area.

~~GREEK - CROSS~~

1 **MR. ENZINNA:** I'll move on. I apologize.)

2 (Bench conference concluded.)

3 **THE COURT:** All right. We're just going to move on to
4 something else.

5 **BY MR. ENZINNA:**

6 **Q.** You were asked earlier about the murder of Nutty B;
7 correct?

8 **A.** Yeah.

9 **Q.** And you said that Mr. Bailey told you that he had
10 instructed Bino and Trouble to kill anyone who didn't pay dues;
11 correct?

12 **A.** Correct.

13 **Q.** He didn't tell you that he instructed them to kill
14 Nutty B, did he?

15 **A.** Anybody at the gas station. Nutty B is a frequent member
16 of the gas station.

17 **Q.** I understand. Can you answer my question.

18 **A.** Did he say specifically Nutty B's name?

19 **Q.** Yes.

20 **A.** No, he didn't say specifically his name.

21 **Q.** Now, in fact, you told the grand jury that Fish ordered
22 Bino to kill Nutty B, didn't you?

23 **A.** You said I -- you're saying I said that?

24 **Q.** Yes.

25 **A.** To my memory, I can't remember.

~~GREEK - CROSS~~

1 **THE COURT:** Do you have a page reference, Mr. Enzinna?

2 **MR. ENZINNA:** Yes. This is Page 32 of the grand jury
3 transcript.

4 **BY MR. ENZINNA:**

5 **Q.** Do you recall being asked these questions and giving these
6 answers?

7 Question: Did you eventually find out who actually killed
8 Nutty B?

9 Answer: Yes.

10 Question: How did you find out?

11 Answer: Dude, Menace, he came to visit me and he told me
12 what happened.

13 Question: What did he tell you?

14 Answer: He said Fish and Bino came up the gas station
15 asking everybody for money. And everybody was just basically
16 saying, like, they ain't have it. They ain't really have it.
17 And Nutty B was the only one that stood up and say, I ain't
18 paying nothin'. He stood up to him. And they said that Fish
19 smacked him, and then Fish ordered Bino to go ahead and do it.
20 And Bino went ahead and shot him.

21 Do you remember that?

22 **A.** Okay.

23 **Q.** Is that accurate?

24 **A.** That's what I said.

25 **Q.** All right. Now, we talked earlier about a number of

~~GREEK - CROSS~~

1 instances where Mr. Bailey told you you weren't qualified to be
2 a mobster?

3 **A.** Uh-huh.

4 **Q.** That you weren't one of them?

5 They beat you up when the drugs were missing?

6 **A.** Yes.

7 **Q.** After you didn't carry out the supposed hit on the guy in
8 the Honda, he told you you couldn't be trusted?

9 **A.** Correct.

10 **Q.** I want to play another jail tape for you. This is J-18,
11 Page 66 of the transcript book.

12 (Audio was played but not reported.)

13 **MR. ENZINNA:** I'll skip the introductory portion.

14 (Audio was played but not reported.)

15 **BY MR. ENZINNA:**

16 **Q.** Do you remember that conversation, Mr. Greer?

17 **A.** Yes.

18 **Q.** You testified about that earlier today, and you said that
19 Mr. Bailey was angry with you; correct?

20 **A.** Yes.

21 **Q.** And why was that?

22 **A.** Apparently I didn't do something. I didn't went -- I
23 don't even know what I was supposed to do in that situation,
24 but --

25 **Q.** Now, Mr. Bailey didn't trust you, did he?

~~GREER - CROSS~~

1 **A.** I mean, I don't know. To a certain extent. Depends on
2 what it was. Tried to trust me.

3 **Q.** Like he trusted you several weeks later when he told you
4 that he killed James Edwards?

5 **A.** You said several weeks later?

6 **Q.** Yes. This call was July 4th, 2015; right?

7 **A.** Right.

8 **Q.** And you were locked up with Mr. Bailey at the end of July;
9 correct?

10 **A.** Yeah.

11 **Q.** And that's when he supposedly told you about the Edwards
12 murder.

13 **A.** I mean, person get locked up, they get confessional.

14 **MR. ENZINNA:** Nothing further, Your Honor.

15 **THE COURT:** Thank you, Mr. Enzinna.

16 Who wants to go next?

17 **MR. DAVIS:** I think that would be me, Your Honor.

18 **THE COURT:** Mr. Davis.

19 **MR. DAVIS:** Yes.

20 CROSS-EXAMINATION

21 **BY MR. DAVIS:**

22 **Q.** Mr. Greer, you characterized Sydni Frazier as a 5200 boy;
23 correct?

24 **A.** Yes.

25 **Q.** And a 5200 boy is a neighborhood kid in the area of the BP

~~GREEK - CROSS~~

1 station; correct?

2 A. Yes.

3 Q. And there were a number of people that were from the
4 neighborhood that had that characterization, a 5200 boy;
5 correct?

6 A. Yeah.

7 Q. Were you out there very often?

8 A. Often? I guess you consider 30 days often. I don't --

9 Q. So 30 days out of what, a year or two years?

10 A. Out of 60 days.

11 Q. Out of 60 days, and that's the extent that you're out in
12 the area of the 5200 block?

13 A. Yeah.

14 Q. Now, you're not a 5200 boy; correct?

15 A. No.

16 Q. And you're not an MMP either; correct?

17 A. No.

18 Q. Now, where did you meet Sydni Frazier?

19 A. At the gas station.

20 Q. And so it's within that 30-day period, 30 days that you
21 were out at the gas station; correct?

22 A. Yeah.

23 Q. And when did you meet him?

24 A. I -- I don't know the specific day.

25 Q. Well, I mean, let's kind of peg it to when you get

~~GREEK - CROSS~~

1 arrested.

2 I think you were arrested, what, on July 31st of 2016?

3 A. I mean, Syd was locked up. When I first started comin'
4 outside to the BP, he was locked up. And then he came home.
5 And while he was locked up, I just heard stories about him.

6 Q. So you didn't see him a whole lot, then, really?

7 A. Yeah. So when he came home, I just -- I probably got
8 like --

9 Q. Now, you never saw him at Dante Bailey's house, correct?

10 And you lived with Dante Bailey; correct?

11 A. Yeah. He ain't never come to Gutta' house.

12 Q. You never saw him at the recording studio?

13 A. (No response.)

14 Q. He's not in any of the group photos that you identified
15 for Ms. Hoffman during your direct testimony.

16 A. (No response.)

17 Q. He's not in any of the videos that you looked at.

18 A. No.

19 Q. Let me take you back to your testimony about the 1 ounce
20 of crack cocaine that you told us about.

21 When did you give Sydni Frazier 1 ounce of crack cocaine?

22 A. One night when Gutta told me to give it to him.

23 Q. Okay. Let's try to be a little more specific. Can we
24 narrow it down to the year that it occurred.

25 A. It was -- it was right after -- after the time we cooked

~~GREEK - CROSS~~

1 up all that coke. So we had a whole bunch of crack, and it
2 wasn't too far away from where we got locked up. So it's like
3 a two- three-week span, maybe.

4 Q. Two- or three-week span before you got locked up.

5 And when did you get locked up?

6 A. July 31st.

7 Q. Now, that occurred in the barbershop, according to your
8 testimony; correct?

9 A. Yes.

10 Q. And the barbershop is pretty close to the BP; correct?
11 It's all part of the kind of complex there?

12 A. Yes.

13 Q. And you've seen the video footage from the BP and the
14 shootings of Nutty B and so forth; correct?

15 A. Yes.

16 Q. Did you review any video footage of Sydney Frazier going
17 into the barbershop two or three weeks prior to you being
18 locked up?

19 A. There's no video footage of the barbershop I've seen.

20 Q. Now, so you didn't view any footage of it, then; correct?

21 A. I've never seen any video shooting of the barbershop.

22 Q. But you've seen video footage from out in that area,
23 though; correct?

24 A. I've seen video footage from the convenience store on the
25 other side.

~~GREEK - CROSS~~

1 Q. Now, did you ever see yourself in any of the video footage
2 from out there?

3 A. Well, during that Nutty B time, I was locked up.

4 Q. So the answer is: No, you never saw yourself in any of
5 the video footage from the BP station in that area?

6 A. I wasn't in the video, no. I was not in the video.

7 Q. Now, how many times did you meet with the Assistant
8 United States Attorneys and the federal agents prior to your
9 testimony here today, if you recall?

10 A. I can't count.

11 Q. A lot; right?

12 A. Yeah.

13 Q. And when you meet with them, you meet with them for
14 several hours each time; right?

15 A. Yeah, you could say that.

16 Q. And they ask you questions and you give 'em answers;
17 right?

18 A. Yes.

19 Q. Now, let's bypass the number of times you met with them
20 prior to coming in -- oh, prior to preparing for trial.

21 How about in preparation for trial, how many times did you
22 meet with them to prepare your testimony here today?

23 A. Oh, I had one trial prep.

24 Q. And how long did that last; do you recall?

25 A. It was probably like -- I think we started at like 10:00,

~~GREEK - CROSS~~

1 and we stopped at like 4:00.

2 Q. And you went through each question that would be asked of
3 you in the courtroom, and you gave them your answers; correct?
4 To make things go smoothly; right?

5 A. I mean, we went through, like, stuff that I spoke about
6 and I guess, you know, cross-examines and stuff like that.

7 Q. So none of the questions you heard when you were giving
8 your direct testimony, none of them were unfamiliar to you?
9 You had heard those questions before; correct?

10 A. Yeah.

11 Q. And you had given answers to them before you came in;
12 correct?

13 A. Uh-huh. Yes.

14 Q. Now, you had a drug case. That's what got you locked up
15 here; right?

16 A. Yes.

17 Q. Basically. I mean, it was a racketeering conspiracy and a
18 narcotics conspiracy; correct?

19 A. Yes.

20 Q. And your drug charge carried a maximum penalty of life
21 without parole; correct?

22 A. I think. I don't know.

23 Q. You never -- well, I mean, you don't recall?

24 A. I know it was a lot of time that I definitely was not
25 wit . . .

~~GREEK - CROSS~~

1 Q. It would be fair to say you were a little bit shocked when
2 you heard about it; right?

3 A. More than shocked.

4 Q. As most people are that get arrested in drug cases. I
5 mean, it's just like it's mind-boggling, isn't it?

6 A. You would be used to it if you been through it.

7 Q. And you hadn't been through it?

8 A. Absolutely not.

9 Q. And you pled guilty to being involved in a conspiracy that
10 distributed 1 kilogram or more of heroin and 280 grams of
11 crack cocaine; right?

12 A. Yes.

13 Q. You didn't feel like that that was fair, did you? I mean,
14 be honest. You're under oath.

15 A. I mean, life isn't fair. I learned that very early.

16 Q. Not only was it a shock; it wasn't fair what happened.
17 Right?

18 A. No, no.

19 Q. And jail has been really hard for you, 'cause you've never
20 been in jail, have you? This isn't -- this isn't you, is it?

21 A. I mean, I've been in jail before.

22 Q. But not like this.

23 A. No. I've been to jail in federal facilities before,
24 though.

25 Q. And you're in a federal -- you're in a Federal

~~GREEK - CROSS~~

1 Correctional Institution now; correct?

2 **A.** Yes.

3 **MR. DAVIS:** Your Honor, may I approach for a moment
4 before I do something, before I ask him this next question.

5 **THE COURT:** Yes. You mean come up to the bench with
6 counsel? Sure.

7 (Bench conference on the record:

8 **MR. DAVIS:** He attempted to hang himself at
9 USP Butner -- or at FCI Butner in June of 2018, according to
10 the reports from Butner. And he was housed --

11 **MS. HOFFMAN:** It wasn't at Butner.

12 **MR. DAVIS:** It wasn't at Butner? Well, it was in the
13 Butner report. Where was he?

14 **MS. HOFFMAN:** I'd rather not give any information
15 about his locations over time.

16 **MR. DAVIS:** Okay. I'll stay away from the locations.
17 I'll keep it -- but he attempted to hang himself. And he
18 obviously has a very flat affect here. So I was going to ask
19 him -- he's shocked. He's overwhelmed by the amount of time
20 that he was looking at.

21 I want to point out that he became overwhelmed and
22 felt helpless and he tried to hurt himself while he was
23 incarcerated, and then I'm going to ask him if he's been
24 treated since then. And I'm going to ask him specifically:
25 What medications are you on now? Because I think it's

1 appropriate as he sits here and testifies.

2 I think we all can see that his affect is very flat
3 and that he's obviously very medicated. And then I'm going to
4 move on from it.

5 But I didn't want to spring this without coming up.

6 **THE COURT:** You want to do what with the
7 medications -- why?

8 **MS. HOFFMAN:** I don't know what medication he's on.
9 It does feel a little invasive.

10 **MR. DAVIS:** What's invasive is that he's testifying
11 against Mr. Frazier and trying to put him in jail for life. I
12 think we're entitled --

13 **THE COURT:** The point -- the point where it would
14 become relevant is if the medication is affecting his
15 ability --

16 **MR. DAVIS:** It's -- yes.

17 **THE COURT:** -- to perceive things or testify or
18 whatever. I don't know the names of the medications. I think
19 it appears to be a good-faith basis if you want to ask him
20 whether he's on medication and is that, you know, in any way
21 affecting him --

22 **MR. DAVIS:** Then I'll just move on.

23 **THE COURT:** -- because you're stuck with his answer
24 because we don't have any proof. Okay.)

25 (Bench conference concluded.)

~~GREER - CROSS~~

BY MR. DAVIS:

Q. Now, Mr. Greer, you felt so overwhelmed by your situation that in June of 2018, you tried to hang yourself, didn't you?

A. Yes.

Q. And you've been treated since then, haven't you, by mental health professionals?

A. Yes.

Q. And you kind of have a flat affect here as you testify. Are you on medications now?

A. No.

Q. You're taking nothing?

A. Nothing.

Q. Now, you were the money man, according to your testimony; correct?

A. Who was the money man?

Q. Well, and correct me if I'm wrong. Maybe it's just my misperception of your testimony from earlier, but I thought you said you kept track of the money for people.

A. I wrote down a tally of who he told me to give it to.

Q. So, I mean, did you do that on a fairly frequent basis, or did you do that occasionally?

A. I mean, it's occasionally, I mean, whatever he told me, to give it to someone. Sometimes he will just do it himself, you know.

Q. Now, you also testified that you gave Mr. Frazier an ounce

~~GREEK - CROSS~~

1 of crack cocaine two or three weeks before -- you think before
2 you were arrested on July 31st of 2016; correct?

3 **A.** Yes.

4 **MS. HOFFMAN:** Objection. Sorry. It's 2015.

5 **THE COURT:** '15.

6 **BY MR. DAVIS:**

7 **Q.** 2015.

8 **A.** Yeah.

9 **Q.** I think there was --

10 **MR. DAVIS:** Court's indulgence.

11 (Counsel conferred.)

12 **BY MR. DAVIS:**

13 **Q.** Let me take you back a few steps here, then.

14 You said that you gave Sydni Frazier the 1 ounce of
15 crack cocaine two or three weeks before you got locked up;
16 correct?

17 **A.** Yeah, that's the Towson case, for the Towson case.

18 **Q.** For the Towson case. When did you get locked up in the
19 Towson case in relation to when you got charged federally here?

20 **A.** I didn't get charged federally until like about two years
21 after.

22 **Q.** So we're going back a number of years, then. We're going
23 back to 2015; correct?

24 **A.** Yes.

25 **Q.** And you got locked up in the county case. That was on

~~GREEK - CROSS~~

1 July 4th, 2015. It was in the summer, wasn't it?

2 A. You say I got locked up on the county case July 31st.

3 Q. July 31st of 2015.

4 A. Yeah.

5 Q. That's when you got locked up on the county case; correct?

6 A. Yes.

7 Q. Would have been about two or three weeks before that;
8 right?

9 A. Yeah, yeah.

10 Q. Was it in July or is it in June? It's kind of important,
11 if you could just think for a moment.

12 A. It was definitely in July.

13 Q. Definitely in July? Was it after the 4th of July?

14 A. Yeah, it was after the 4th.

15 Q. And you indicated that you made a notation in your phone;
16 correct?

17 A. Yes.

18 Q. What did you have, like an iPhone and you put it in the
19 Notes section or something?

20 A. I had an Android.

21 Q. Okay. And then when you get locked up, you have your
22 phone; correct?

23 A. Yes, I did.

24 Q. Did they take your phone?

25 A. Yes.

~~GREEK - CROSS~~

1 Q. Did you ever get it back?

2 A. Nope.

3 Q. Did you ever review with the prosecutors the notation that
4 was in your phone when you were locked up by law enforcement on
5 July 31st of 2015 that indicated that there was a notation in
6 there that you had sold or you had fronted Sydney Frazier an
7 ounce of crack cocaine?

8 A. They ain't never brought nothing --

9 Q. Never saw it?

10 A. No.

11 Q. Let's jump ahead a little bit.

12 You're in the -- you're at CDF now. Do you recall your
13 testimony about seeing Sydney Frazier while you're housed over
14 at CDF?

15 A. Yes.

16 Q. And you indicated that he was on the intake tier, and you
17 were in the adjacent tier; correct?

18 A. Yes.

19 Q. Who approached who that day?

20 A. I mean --

21 Q. How did it happen?

22 A. I mean, it's just the normal thing. Like if the dude come
23 in that we knew, we would give him stuff. You know, he'd just
24 come in the jail, so he would give him stuff.

25 Q. So you're passing stuff through the -- actually, could

~~GREEK - CROSS~~

1 you --

2 **MR. DAVIS:** Your Honor, could I have the witness step
3 down just for a moment? I'm not quite certain about this door
4 and where the -- where the square is.

5 **THE COURT:** Why don't you just have him try to
6 describe it first.

7 **BY MR. DAVIS:**

8 **Q.** Okay. If I'm the door, where is the square on the door?

9 **A.** Towards the bottom. You got to sit down. You both got to
10 be sittin'.

11 **Q.** So you got to get down; right (indicating)?

12 **A.** No. You just sit down in a chair, and you both would be
13 at the opening of the door.

14 **Q.** Now, the tiers are segregated. I mean, they put people in
15 one tier and separate them from other people; right?

16 **A.** I mean, yes; but this is always the tiers -- like each
17 tier got a connecting door to the other tier.

18 **Q.** And there's a bubble in the tiers; right? A bubble where
19 the guards sit; right?

20 **A.** Yeah. It's in the middle.

21 **Q.** And it's your testimony that the guards allow inmates that
22 are segregated in one tier to communicate with inmates that are
23 in another tier through a little hole in the door and you pass
24 things through (indicating)?

25 **A.** They definitely didn't stop anything.

~~GREEK - CROSS~~

1 Q. They didn't stop anything?

2 A. No.

3 Q. All right. How did you get Mr. Frazier's attention that
4 day?

5 A. We just talked. Like, he knew me from being around the
6 gas station. I know him from being around there.

7 Q. How did you get him to come to the door?

8 A. He's always at the door. Like, he'll be at the door
9 talkin' to Bo. There's been times where we've been at the door
10 talkin' to each other, all three of us.

11 Q. Well, specifically, when you talked to him -- so, in other
12 words, are you telling us that when you talked to him and he
13 was telling you about his case that there were other people
14 there?

15 A. That particular time, no. It was just me and him at the
16 door at that time.

17 Q. Just you and him. And on that particular time, how did
18 you get him to come over to the door? Did you knock on the
19 door? Did you wave? Can you even see through the door?

20 A. Yeah.

21 Q. So it's glass? It's Plexiglas?

22 A. No. You can see through the slot. Like, you could fit
23 your head through the slot and look.

24 Q. So you've got to get down; you've got to look through the
25 slot; and you've got to look into the tier. Right?

~~GREEK - CROSS~~

1 A. You could just sit down and look and you could see the
2 whole tier.

3 Q. It takes a little bit of effort to get someone in the
4 other tier's attention, doesn't it?

5 A. Naw.

6 Q. Well, how did you get his attention?

7 A. He was already at the door.

8 Q. And he's just standing at the door, and you walked up and
9 looked through the door and there he was?

10 A. He was at the door. I just --

11 Q. That's how it happened; right?

12 A. I mean, I can't tell you how it happened. I don't
13 remember exactly how it happened, but I just remember us being
14 at the door, and we just talkin' and politicking.

15 Q. Well, you had already pled guilty now when you saw him;
16 right? 'Cause he was in intake.

17 A. I think so.

18 Q. He got locked up at the end of January of 2017; right?

19 A. I don't remember the exact date he got locked up.

20 Q. And you had already signed a cooperation agreement with
21 the United States then. I mean, you pled pretty quick. You
22 pled in a couple of months and agreed to work for them; right?

23 A. Yes.

24 Q. Is that what you were doing that day when you called Syd
25 over to the door? Were you workin' for them?

~~GREEK - CROSS~~

1 A. No. He -- he just started confessin' like Gutta did.

2 Q. And you just happened to be sittin' in the chair looking
3 through the little square in the door when he -- and he was
4 just there confessin' to you?

5 A. Yeah. We wasn't even talkin' about nothin' about his
6 case. He brought it to my attention.

7 Q. So this was in January or February? It was before you
8 testified before the grand jury; right?

9 A. Yeah, before.

10 Q. And you testified before the grand jury on February 16th
11 of 2017.

12 A. I guess, if that's the date. I don't know the exact date.

13 Q. It's the date.

14 A. Okay.

15 Q. So you talked to him before then; right?

16 A. Yes.

17 Q. And today you testified under oath that Syd, as you were
18 sittin' in the chair looking through the little square and
19 seeing him right on the opposite side, that he said he walked
20 up -- well, he didn't even walk up. He was just standin'
21 there; right?

22 And he said -- he said, Syd told me they tryin' to put a
23 murder on me.

24 That's what he told you; right? That's what you testified
25 to a few minutes ago -- a few hours ago.

~~GREEK - CROSS~~

1 **A.** I mean, he ain't said he try and put a murder on him.

2 **Q.** But that's what you said this morning.

3 **A.** He said trying to put a murder on him.

4 **Q.** That's what he told you?

5 **A.** Yeah.

6 **Q.** You're sure?

7 **A.** Yeah. He said --

8 **Q.** Absolutely certain?

9 **A.** Yes.

10 **Q.** Grand jury transcript, February 16th, 2017, Lines 12
11 through 14.

12 Listen to this answer, this question and answer.

13 [Reading]: And what did Syd tell you about his case?

14 Answer: He basically was sayin' he ain't understand how
15 he caught up with it, stuff like that.

16 That's your answer before the grand jury, and that was
17 under oath.

18 **A.** Yes.

19 **Q.** Which one's a lie, the one you just testified to this
20 morning or the one that you testified to before the grand jury?

21 **THE COURT:** Sustained.

22 **MS. HOFFMAN:** Objection.

23 **BY MR. DAVIS:**

24 **Q.** Which one's true?

25 **A.** I got to tell the complete truth.

~~GREEK - CROSS~~

1 Q. Well, which one was the complete truth?

2 MS. HOFFMAN: Objection.

3 THE COURT: Sustained.

4 MR. DAVIS: Thank you.

5 Your Honor, may we approach for one moment?

6 THE COURT: Sure.

7 (Bench conference on the record:

8 MR. DAVIS: I'd like to make a motion under -- for a
9 Massiah violation. This man signed a cooperation agreement in
10 December of 2016. He's at the door, and he's reaching out to
11 Mr. Frazier on the other side to further his cooperation
12 agreement and that's improper. I was unaware of this until
13 this just came up here.

14 And I think that it either warrants striking his
15 testimony with respect to Mr. Frazier or granting Mr. Frazier a
16 mistrial.

17 THE COURT: Ms. Hoffman?

18 MS. HOFFMAN: I don't think that was the witness's
19 testimony. I believe he said that he actually -- do you
20 remember his exact words?

21 MS. PERRY: I believe he said that he was just talking
22 to Mr. Frazier when Mr. Frazier brought it up.

23 THE COURT: Right.

24 MS. HOFFMAN: He most certainly --

25 THE COURT: The jury can believe him or not, but what

~~GREEK - CROSS~~

1 you just got now in testimony is he, according to him,
2 Mr. Frazier brought it up. So I don't have a basis at this
3 point to find a Massiah violation.

4 **MS. HOFFMAN:** And I can also assure the Court that
5 there was no instruction that he try to get information out of
6 any people in the jail.

7 **MR. DAVIS:** I'm not putting any of the blame on
8 Ms. Hoffman or her colleague, but this is something that
9 frequently occurs. And, you know, we're dealing with people
10 that are pretty desperate, and they have personal agendas to
11 further.

12 **THE COURT:** Sure. Well, again, according to him,
13 Mr. Frazier brought it up. But, in any event, you brought out
14 the much-more-limited statement that he gave in the grand jury,
15 so thank you.)

16 (Bench conference concluded.)

17 **THE COURT:** Mr. Sardelli.

18 **MR. SARDELLI:** Thank you, Your Honor.

19 CROSS-EXAMINATION

20 **BY MR. SARDELLI:**

21 **Q.** Good afternoon, Mr. Frazier -- Mr. Greer.

22 **A.** How you doing?

23 **Q.** Have you ever met with me before?

24 **A.** No, sir.

25 **Q.** You've already testified that you met with the Government

~~GREEK - CROSS~~

1 on multiple occasions before this; correct?

2 A. Yes.

3 Q. In your testimony today and yesterday, you mentioned that
4 Dirt was at the studio before; correct?

5 A. I don't know who Derrick is.

6 Q. You don't know Dirt?

7 A. You said "Derrick" or --

8 Q. "Dirt."

9 A. Oh, Dirt. Oh, yeah, yeah, Dirt.

10 Q. So Dirt's been at the studio you mentioned before;
11 correct?

12 A. Yes.

13 Q. And you were an engineer at that studio; am I correct?

14 A. Yes.

15 Q. In fact, you mentioned a record label or a recording label
16 named TCGMG, Team Cash Gutta Music Group; am I correct?

17 A. Yes.

18 Q. You also mentioned numerous groups, including the
19 Black Blood Brotherhood, MMP, BGF, and the 5200 boys; correct?

20 A. Yes.

21 Q. You mentioned a killing of a person named Bangout; right?

22 A. Yes.

23 Q. And your testimony is Bangout was killed by Gutta; right?

24 A. Yes.

25 Q. And you also claim that you're not a member of MMP; am I

~~GREEK - CROSS~~

correct?

A. Yes.

Q. But you also testified that you've been sanctioned or DP'd before, despite not being a member; am I correct?

A. Yes.

Q. Are you aware that there's another Dirt named Edris that frequents the Liberty Heights and Gwynn Oak area?

A. No.

Q. You're not aware of that?

A. No.

Q. And you admitted today and yesterday that you sold drugs before; correct?

A. Yes.

Q. Both crack and heroin?

A. Yes.

Q. And it's your claim to the jury that you didn't make any money from your drug sales; am I correct?

A. Yes.

Q. And you got your drugs from Gutta is your testimony; correct?

A. Yep, from Gutta.

Q. Gutta.

So besides the defendants who are here at the table (indicating), who do you know from the Liberty Heights and Gwynn Oak area?

~~GREEK - CROSS~~

1 **A.** Mookie, he from up there. Tech, he from up there.

2 Who else? Some dude named Doo-Doo. I mean --

3 **Q.** You said three there.

4 **A.** I mean, that's the only people that I can know a name.

5 **Q.** So I asked you who you knew from the area, and you came up
6 with three names; right?

7 **A.** Yeah.

8 **Q.** You also testified yesterday, I believe, that,
9 quote/unquote, that Spittle Man is the money man or Spittle is
10 the money man for Gutta; right?

11 **A.** I believe he's the money man for the whole MMP, like.

12 **Q.** Do you remember your testimony yesterday?

13 **A.** Yes.

14 **Q.** Do you remember testifying to that yesterday?

15 **A.** I mean, Gutta is MMP, so yeah.

16 **Q.** So do you remember testifying that Spittle was a money man
17 for Gutta; correct?

18 **A.** Yes.

19 **Q.** Now, you claim my client was cooking crack in a house;
20 correct?

21 **A.** Yes.

22 **Q.** What's the address of the house?

23 **A.** I do not know the address.

24 **Q.** You didn't give -- yesterday when you talked about this,
25 you didn't give a description of the house; am I correct? You

~~GREEK - CROSS~~

1 did not give a description; correct?

2 A. Not that I recall.

3 Q. You didn't give a color of the house, a size of the house;
4 am I correct?

5 A. You're correct.

6 Q. Besides the defendants here at the tables, who else was
7 there?

8 A. It was an old lady and an older man.

9 Q. That's it? An old lady and an old man were the other
10 people besides the defendants who were there?

11 A. No. It was just me, Gutta, Dirt, the older lady, and the
12 man. The older lady tried the crack that he finished cookin'.

13 Q. Do you know their names, the old lady and the old man?

14 A. Naw.

15 Q. Did you ever take the agents on a tour and take 'em to the
16 location and show it to them?

17 A. No.

18 Q. Did you take any pictures on your cell phone or publish
19 anything on social media about that house?

20 A. No.

21 Q. Well, let me ask you this: The picture that you were
22 shown, did you take that picture?

23 A. No.

24 Q. Were you there when that picture was taken?

25 A. No.

~~GREEK - CROSS~~

1 Q. Was there any stove or microwave in that picture?

2 A. No. It was the -- the table and the --

3 Q. I didn't ask you that, sir.

4 I asked you: Was there a stove or microwave in that
5 picture?

6 A. No.

7 Q. And you said before that the agents took your cell phone
8 at one point; correct?

9 A. The -- Baltimore County took my cell phone.

10 Q. Okay. Does that have GPS or any type of tracking device
11 on it, like rescue 9-1-1 or anything like that; do you know?

12 A. Naw, I don't.

13 Q. Now, you testified that you met with the Government on
14 numerous occasions. I believe a November 2016 meeting with
15 agents and prosecutors, 2 February of 2016 -- or 2017 meeting
16 with the prosecutors, and you mentioned your grand jury
17 testimony previously; am I correct?

18 A. Yes.

19 Q. Let's talk about your plea agreement. You remember the
20 plea agreement. You've seen a written copy of your plea
21 agreement; correct?

22 A. Yes.

23 Q. You signed that and agreed that it was true and correct;
24 am I correct?

25 A. Yes.

~~GREEK - CROSS~~

1 Q. Okay. And are you aware that as part of that plea
2 agreement, there's a factual basis or a statement of facts in
3 Paragraph 6 and Paragraph 1 of the supplement of that plea
4 agreement?

5 A. I -- I don't know if I can tell you what the paragraph
6 says. I don't know.

7 Q. Would it refresh your recollection if I showed you a copy?

8 A. Yeah. Show me, please.

9 MR. SARDELLI: Your Honor, may I approach?

10 THE COURT: Sure. The question is just whether he
11 remembers that there was a statement of facts? Or what's --

12 MR. SARDELLI: Your Honor, what I'm going to elicit
13 here is my client is not mentioned in any of those statement of
14 facts.

15 MS. HOFFMAN: Objection.

16 THE COURT: That's not the question.

17 MR. SARDELLI: Yes, ma'am.

18 THE COURT: I asked you: What is -- how are you
19 trying to refresh his recollection at the moment? Is it just
20 that he signed a statement of facts?

21 MR. SARDELLI: That he's familiar with the statement
22 of facts, Your Honor, and he signed it.

23 THE COURT: All right. You want to let him look at
24 the statement of facts?

25 MR. SARDELLI: Yes, ma'am.

~~GREEK - CROSS~~

THE COURT: Okay. Go ahead.

MR. SARDELLI: Please.

BY MR. SARDELLI:

Q. (Handing.)

Let's start with the signatures.

Is that your signature, sir (indicating)?

A. Yes.

Q. Let me show you Paragraph 6 of the plea agreement. Can you look at that and just read it to yourself and review it, Paragraph 6, please.

A. (Reviews document.)

Q. Okay. Have you had a chance to review that, sir?

A. Yes.

Q. Let me show you Paragraph -- the supplement of the plea agreement. I'll have you review that, please.

Can you review Paragraph 1, A, B, and C, please.

A. (Reviews document.)

Okay.

Q. Does that refresh your recollection, sir?

A. Yes.

Q. There's no mention of Dirt in those paragraphs, is there, sir?

A. No.

Q. And you remember meeting at 11 -- November 17th, 2016, with ATF agents, your attorney, prosecutors,

~~GREEK - CROSS~~

1 Prosecutor Hoffman? You remember meeting with them in that
2 time and date; correct?

3 **A.** Wow. If that's the date it says on the paper. I don't
4 know if it's . . .

5 **Q.** Okay. And you realize that they were taking notes and
6 writing reports; am I correct?

7 **A.** Yes.

8 **Q.** There's no mention of the cooking of the crack in the
9 house, allegedly, that you said Dirt did in that report.

10 Do you know that or do you remember that?

11 **MS. HOFFMAN:** Objection.

12 **THE COURT:** Come up to the bench.

13 (Bench conference on the record:

14 **THE COURT:** Ms. Hoffman.

15 **MS. HOFFMAN:** I don't think that he can be asked
16 what's in the report. I mean, he can be asked what he
17 remembers telling investigators at a particular time, but I
18 don't think he can be asked what the agents wrote down in the
19 report.

20 **MR. SARDELLI:** I'll rephrase it, Your Honor, on what
21 he remembers.

22 **MS. HOFFMAN:** I'm sorry --

23 **THE COURT:** Is there an incident in --

24 **MS. HOFFMAN:** Which report are you talking about?

25 **MR. SARDELLI:** I'm talking about -- one second,

~~GREEK - CROSS~~

1 please.

2 I'm talking about the November 17th, 2016,
3 ATF number 128.

4 **MS. HOFFMAN:** It's the very first one.

5 **MR. SARDELLI:** The specific question is going to be:
6 If you were -- if he stated or remembers stating anything about
7 the crackhouse with Dirt in that report.

8 **MS. HOFFMAN:** He actually -- well, there is a
9 discussion of a half kilogram of crack being broken down. It
10 doesn't say what the location was, but I think that's what he
11 was referring to.

12 **MR. SARDELLI:** His memory will be his memory,
13 Your Honor.

14 **THE COURT:** All right. And if you need to go back to
15 it on redirect, you will.)

16 (Bench conference concluded.)

17 **THE COURT:** If you want to just rephrase that,
18 Mr. Sardelli.

19 **MR. SARDELLI:** Thank you, Your Honor.

20 **BY MR. SARDELLI:**

21 **Q.** Focusing on your memory of November 17th, 2016, do you
22 remember if you mentioned Dirt and a cooking of crack at a
23 house? Do you remember that or not?

24 **A.** I don't remember what day. I just -- they just -- players
25 would come in. And then I was told, Whatever you start

~~GREEK - CROSS~~

1 remembering, just --

2 Q. That's not what I asked you, sir.

3 A. -- tell 'em what you remember.

4 Q. Do you remember if you told them about that in November of
5 2016?

6 A. Do I remember the exact day I told 'em about the
7 cooking-crack incident? I don't remember the exact date I told
8 'em about the cooking-crack incident.

9 Q. Okay. Now, you also met on two occasions in February of
10 2017.

11 Do you remember that?

12 A. Yeah, we met.

13 Q. Okay. And February 14th, 2017, do you remember meeting
14 with ATF agents and prosecutors again?

15 A. You said on the 14th?

16 Q. Yes, of that month, 2017, February 14th, 2017.

17 A. Yeah. That's the day I got out.

18 Q. All right. And isn't it true that you made no mention of
19 Dirt and the crackhouse at that time; am I correct?

20 A. I don't know.

21 Q. In fact, the first time the reports indicate you mentioned
22 it is -- there's a report, ATF 111, on February 16th,
23 twenty-seven [sic]. Do you remember making a statement at that
24 time before the grand jury?

25 A. Yeah, at the grand jury, I had to.

~~GREEK - CROSS~~

1 Q. Not the grand jury. I'm talking about before the
2 grand jury, you met with the agents and the prosecutors. Do
3 you remember talking about it then?

4 A. Yeah, I remember talking about it before the grand jury
5 came.

6 Q. Okay. Right before the grand jury; am I correct?

7 A. Right before the grand jury? I don't know if it was right
8 before the grand jury.

9 Q. Earlier in the day?

10 A. I don't -- I don't remember the exact date I told 'em. I
11 just told 'em information that came to my recollection at the
12 time it came.

13 Q. Well, let me specify.

14 Before you went into the grand jury to testify, did you
15 meet with them?

16 A. Yeah, I -- I think I did that day.

17 Q. And did you tell them --

18 MS. HOFFMAN: Objection; asked and answered.

19 THE COURT: Sustained.

20 BY MR. SARDELLI:

21 Q. You did tell 'em at the grand jury; am I correct?

22 A. Yes.

23 Q. Now, going back to the photo that you showed or was shown
24 to you in your previous testimony -- I believe it was
25 yesterday -- I think you identified my client and someone else

~~GREER - CROSS~~

1 in a house; correct?

2 **A.** Yes.

3 **Q.** All right. Thinking back to your grand jury testimony,
4 did you talk about or has anyone shown that photo at the
5 grand jury testimony in February that we just talked about?

6 **A.** You asking was I shown that photo at the grand jury
7 testimony?

8 **Q.** Yes. Did you testify about that photo? And were you
9 shown that photo at the grand jury?

10 **A.** You asked me two questions.

11 **Q.** Well, first of all, were you shown that photo at your
12 grand jury testimony?

13 **A.** I don't remember.

14 **Q.** Do you remember if you were shown that photo or not?

15 **A.** I mean, I've been showed a lot of photos.

16 **MR. SARDELLI:** No further questions, Your Honor.

17 Thank you.

18 **THE COURT:** Anybody else?

19 Mr. Trainor.

20 CROSS-EXAMINATION

21 **BY MR. TRAINOR:**

22 **Q.** Good afternoon, Mr. Greer.

23 **A.** Hello, sir.

24 **Q.** I represent Jamal Lockley.

25 You started out in Baltimore as a audio engineer in a

~~GREEK - CROSS~~

1 studio?

2 A. Yes, I worked at a studio, yes.

3 Q. All right. And isn't that where you met Mr. Lockley
4 first?

5 A. Yes.

6 Q. In the studio around music?

7 A. Yes.

8 Q. And he did -- he booked some studio time for recording his
9 music; correct?

10 A. Yes.

11 Q. All right. Some of the music that was recorded was put up
12 on YouTube in video form?

13 A. T-Roy? No.

14 Q. How about the 5200 boys?

15 A. Well --

16 Q. There's a video on YouTube of that music, isn't there?

17 A. I don't know anything about a 5200 project coming to my
18 studio and recording.

19 Q. You don't know that it came through your studio, but are
20 you aware of its presence on YouTube as a recording, music
21 recording?

22 A. The 5200.

23 Q. You don't -- you're not aware?

24 A. No, I don't know nothin' about it.

25 Q. All right. So when the studio closed, I assume for

~~GREEK - CROSS~~

1 financial reasons, you had no place to live. And that's when
2 you went to stay with Mr. Bailey for a while; correct?

3 A. Yes.

4 Q. And at some point -- I suppose at that point you were
5 inclined to want to be in this MMP; correct?

6 A. No. At that time, no, I'm not wanting to be --

7 Q. But at some point after that, you became -- strike that.

8 At some point after that, you decided that you wanted to
9 join, but later changed your mind; correct?

10 A. No. I wanted to join when I first initially met them when
11 they came to the studio.

12 Q. Oh, I see. Before you left the studio?

13 A. Yeah, I saw it as a group of guys, flashy. Looked like
14 rappers and stuff, you know.

15 Q. And you were aware of the MMP rules and that sort of
16 thing; correct?

17 A. Aware of their rules?

18 Q. Rules, the oath that has to be taken, the Omertà code.

19 A. Oh, no. I don't -- I don't even know nothing about that.

20 Q. You never heard any of that?

21 A. I mean, no.

22 Q. But you know you were not in MMP; correct?

23 A. Yeah. I ain't in MMP.

24 Q. Never joined. Decided not to?

25 A. Yeah, I . . .

~~GREEK - CROSS~~

1 Q. And you were never in the 5200 boys; correct?

2 A. No, I was not a 5200 boy.

3 Q. All right. And you weren't in the 5200 boys in part
4 because you didn't grow up in that neighborhood; correct?

5 A. Correct.

6 Q. And in order to be in this group that you call the
7 5200 boys, you would have to have actually either been born
8 into the neighborhood or grown up in the neighborhood; correct?

9 A. That was -- that's what I've been told, yes.

10 Q. All right. Now, so MMP was a presence in the
11 neighborhood; correct?

12 A. I mean, I can't tell you if they was a -- I mean, they was
13 there at the gas station, and people from the neighborhood was
14 MMP. So that would make it present.

15 Q. And there were also 5200 boys -- people you call 5200 boys
16 in that neighborhood as well because they grew up there;
17 correct?

18 A. Yes, it was 5200 boys.

19 Q. Not all of the 5200 boys were in MMP.

20 A. Correct.

21 Q. All right. And you told -- I think you said earlier that
22 in that neighborhood that is called the 5200 neighborhood, a
23 person could be involved in drugs and not be in MMP. But if
24 that was the case, they would probably be taxed or charged
25 something by MMP; is that right?

~~GREEK - CROSS~~

1 **A.** Yes; or killed if they didn't have --

2 **Q.** All right. So you get taxed by MMP if you're in the
3 neighborhood and involved in drugs. And if you don't pay your
4 taxes, something might happen to you; correct?

5 **A.** Yes.

6 **Q.** All right. Now, you know that Mr. Lockley was not an MMP
7 member; correct?

8 **A.** No, he's not MMP.

9 **Q.** And you were never involved in a drug transaction with
10 Jamal Lockley, were you?

11 **A.** Yes.

12 **Q.** When were you involved in a drug transaction directly with
13 Mr. Lockley?

14 **A.** He done told me to give Gutta money. You feel what I'm
15 saying? He done told me -- he done gave me a bag of money and
16 give it to Gutta.

17 That day when I -- I got sanctioned and my ribs got beat,
18 he was calling me to go in the barbershop to get the drugs.
19 But I didn't have the keys. So I'm stalling him, acting
20 like -- I ain't tryin' -- I'm duckin' his phone calls.

21 **Q.** When was that, all of that you just said?

22 **A.** During that time.

23 **Q.** You don't know what time.

24 Did you ever get drugs from Jamal Lockley?

25 **A.** Did I ever get drugs from him?

~~GREER - CROSS~~

1 Q. Yes.

2 A. No, I ain't never gotten drugs from him, no.

3 MR. TRAINOR: No further questions.

4 THE COURT: Ms. Amato.

5 MS. AMATO: Sure. Yes. Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MS. AMATO:

8 Q. Good afternoon, Mr. Greer.

9 A. Good afternoon.

10 Q. Thank you.

11 My name is Elita Amato. And I represent
12 Mr. Corloyd Anderson, who you identified as Bo yesterday.

13 A. Yes.

14 Q. All right. Mr. Greer, you believe that Mr. Anderson was a
15 member of MMP.

16 A. Yes.

17 Q. All right. And the reason that you believe that was
18 because, as you told us, he had these gold teeth with M's on
19 them; correct?

20 A. Yes.

21 Q. All right. And those gold teeth with M's on it, you claim
22 that you saw him wearing those things when the two of you were
23 together at the jail.

24 A. Yes.

25 Q. And the two of you were actually at one point in the same

~~GREEK - CROSS~~

1 tier at the detention center; correct?

2 A. Yes.

3 Q. All right. So you arrived at the detention center in
4 September of 2016; correct?

5 A. Yes.

6 Q. All right. And you said you were ultimately released in
7 February.

8 A. Yes.

9 Q. Okay. Of 2017.

10 And there was a time period within that period that both
11 you and Mr. Anderson were in the same tier; correct?

12 A. Yes.

13 Q. All right. And that tier wasn't obviously just you and
14 Mr. Anderson. There were about 25 total people in each -- in
15 that tier; correct?

16 A. I don't know how many people was on the tier.

17 Q. All right. Well, there were certainly more than ten
18 people?

19 A. A lot more than ten people.

20 Q. More than 20 people?

21 A. Yeah, there's probably more than 20 people.

22 Q. Okay. Now, yesterday you told us that -- you claimed that
23 Mr. Anderson was selling drugs when he was out on the street;
24 correct?

25 A. Yes.

~~GREEK - CROSS~~

1 Q. And you said something about him selling in Edmondson --
2 Edmondson area?

3 A. Yes.

4 Q. You never went up to Edmondson, did you?

5 A. I mean, I've been on Edmondson Avenue before. It's like a
6 frequented street in Baltimore you go through to get --

7 Q. I can't hear you very well. Could you say that --

8 A. It's a street on Baltimore you go through. Like, it's a
9 lot going on all Edmondson Avenue.

10 Q. All right. So you've been through the area?

11 A. Yes.

12 Q. All right. But you're not like hanging out in that area?

13 A. No.

14 Q. All right. 'Cause you would hang out at the BP gas
15 station.

16 A. Yes.

17 Q. All right. Now, when you met with Ms. Hoffman and
18 law enforcement, the first time you met with them, they showed
19 you photographs of people and they asked you to identify them.

20 A. Yes.

21 Q. All right. And one of those photos that they showed back
22 on that first meeting in November of 2017 -- 2016 was a
23 photograph of Mr. Anderson.

24 A. Yes.

25 Q. All right. And you identified that photo as someone that

~~GREEK - CROSS~~

1 you knew; correct?

2 **A.** Yes.

3 **Q.** And at that time you never said anything to them about
4 Mr. Anderson being out in the street selling drugs, did you?

5 **A.** I don't know. Maybe not. I don't know.

6 **Q.** Well, you were also asked to testify before the
7 grand jury; do you remember that?

8 **A.** Yes.

9 **Q.** And it was only one time that you testified before the
10 grand jury; correct?

11 **A.** Yes.

12 **Q.** And when you were asked to testify before the grand jury
13 again, you were asked about Mr. Anderson; do you remember that?

14 **A.** Yeah.

15 **Q.** And when you testified before the grand jury, you did not
16 say anything at that point either that Mr. Anderson was out
17 selling drugs.

18 **A.** Okay. I probably didn't. I don't know. I don't really
19 remember.

20 **Q.** All right. Well, let's -- hold on. It's grand jury,
21 Page 40 --

22 **MS. HOFFMAN:** Objection.

23 **THE COURT:** Do you want to come up to the bench.

24 **MS. AMATO:** I'm sorry?

25 **THE COURT:** Is there an objection?

~~GREEK - CROSS~~

1 **MS. AMATO:** Apparently.

2 **MS. HOFFMAN:** Well, I think he said he didn't remember
3 what he said.

4 **MS. AMATO:** Well, but he said more than that. I mean,
5 he said . . .

6 **THE WITNESS:** I mean --

7 **THE COURT:** Go ahead.

8 **THE WITNESS:** -- I don't remember. You know, you
9 asked me about the whole grand jury; five people before you
10 just asked me about grand jury. I don't -- I can't remember
11 every detail about the grand jury.

12 **BY MS. AMATO:**

13 **Q.** Well, I understand that. I'm not asking you every detail
14 about the grand jury. I'm just asking you about what you said
15 regarding Mr. Anderson. Okay?

16 So as to Mr. Anderson --

17 **MS. HOFFMAN:** I think there has to be a question,
18 first, about whether something would refresh his recollection.

19 **MS. AMATO:** Your Honor, I don't have to do it that
20 way. I mean, I can, but, I mean . . .

21 **BY MS. AMATO:**

22 **Q.** The question to you was --

23 **THE COURT:** Is there a specific problem with the -- I
24 think you identified some lines in the transcript.

25 **MS. AMATO:** Yes -- no. I can do that, Your Honor.

~~GREEK - CROSS~~

1 It's on Page 40.

2 **BY MS. AMATO:**

3 **Q.** And at that time you were asked these questions and you
4 gave these answers, Line 12.

5 Question: I'm going to show you JG-15. Who is that?

6 Answer: That's Bo.

7 Question: Is he a member of MMP?

8 Answer: Yes.

9 Question. How do you know that?

10 Answer: A, got two M's in his gold teeth in his mouth.

11 Question: And were you actually on the same tier as him
12 at CDF for a period of time?

13 Answer: Yes.

14 Question: So you saw those M's on his teeth?

15 Answer: Yes.

16 **THE COURT:** Ms. Amato, are we getting to something
17 that goes to the question you were asking him about?

18 **MS. AMATO:** Right. Well, the question is when he
19 was -- Your Honor, maybe we can --

20 **THE COURT:** Do you want to come up to the bench?

21 **MS. AMATO:** Yes, certainly.

22 (Bench conference on the record:

23 **THE COURT:** I thought there was going to be something
24 like: Was he selling drugs?

25 No.

~~GREER - CROSS~~

1 **MS. AMATO:** No, there's nothing like that. It's just
2 a question of what he was asked about Mr. Anderson and why he
3 was a member of MMP. He just said because of the gold teeth.
4 He didn't say anything about he was a member because he sold
5 drugs.

6 **MS. HOFFMAN:** He wasn't -- we had a -- he wasn't asked
7 whether he sold drugs.

8 **THE COURT:** Right.

9 **MS. HOFFMAN:** And, actually, at the first proffer, I
10 didn't object. But literally, the line after it says that he
11 identified the photograph of Bo. It says at that point the
12 interview was terminated because Mr. Greer had to get back to
13 the marshal's custody.

14 So, again, he wasn't asked.

15 **THE COURT:** There's nothing in that passage that even
16 would have necessarily given him the opportunity. I mean,
17 you're asking.

18 **MS. AMATO:** I mean, he could have -- excuse me,
19 Your Honor, because when he's asked about how do you know if
20 he's a member of MMP, I mean, that would have been an
21 opportunity for him to say, Well, yes, I know that because he
22 was out there selling drugs for Gutta or he's out there selling
23 with the other MMP members.

24 So that's -- that's where I got it from, Your Honor.

25 **THE COURT:** Okay. I will disagree with you and

~~GREEK - CROSS~~

1 sustain the objection. He's testified a number of times. He's
2 been asked by numerous people: How did you know he was a
3 member -- someone was a member of MMP?

4 The common response has been about throwing M's or
5 doing the handshake or having a tattoo or, as to your client,
6 apparently these gold teeth.

7 It does not necessarily call for, nor has there been a
8 consistent response by him, that he relied on whether someone
9 was selling drugs to identify him as a member of MMP. And
10 that's the only question, unless there's something else.

11 **MS. AMATO:** There isn't anything else.

12 **THE COURT:** Okay. Then we should move on.

13 **MS. HOFFMAN:** Thank you.)

14 (Bench conference concluded.)

15 **BY MS. AMATO:**

16 **Q.** All right. Mr. Greer, let's talk about those gold teeth.

17 Now, according to you, those gold teeth had little M's on
18 them; is that correct?

19 **A.** Yes.

20 **Q.** Okay.

21 **A.** Yes.

22 **Q.** And those gold teeth were basically right in the front of
23 the mouth (indicating); correct?

24 **A.** Yes.

25 **Q.** That they were worn; correct?

~~GREEK - CROSS~~

1 A. Yes.

2 Q. All right. Now, you first met Mr. Anderson at the studio
3 that you've told us already about; correct?

4 A. Yes; on 22nd, yes.

5 Q. Say that again?

6 A. The studio on 22nd.

7 Q. Okay. Studio 22nd. And that's where you were working?

8 A. Yes.

9 Q. And you were the music engineer, the mixing engineer?

10 A. Yes.

11 Q. Okay. And you told us that basically to get that job,
12 what you did is you reviewed a lot of rap videos.

13 A. No.

14 Q. No? What did you do?

15 A. I studied on how other engineers mix and master music on
16 YouTube.

17 Q. And by doing that, did you watch a lot of rap videos as
18 well?

19 A. No. I don't watch rap videos for mixing and mastering. I
20 watch other audio engineers mixing and mastering and see what
21 they do to the levels of recording, how they record.

22 Q. Okay. So you're just watching the logistical aspects of
23 it is what you're saying?

24 A. Yes.

25 Q. All right. But you ended up working and mixing

~~GREEK - CROSS~~

1 rap videos; correct? Rap music, I should say.

2 A. I just deal with the recording aspect.

3 Q. All right. But of what kind of music, rap; right?

4 A. It could be rap, R&B --

5 Q. Okay.

6 A. -- all types.

7 Q. All right. A lot of different types.

8 And based on your work, you became familiar with a young
9 rapper named Lor Sean?

10 A. Who?

11 Q. Lor Sean, L-O-R, S-E-A-N?

12 A. Lor Sean.

13 Q. Yes or no? No?

14 A. Who is Lor Sean? I don't know --

15 Q. You don't know Lor Sean. Okay. All right.

16 But you do know Team Cash; correct?

17 A. Yes.

18 Q. All right. 'Cause you, in fact, told us -- in fact, you
19 just recently told us on cross-examination what TCGMG stood
20 for.

21 A. Right.

22 Q. Which was basically Team Cash Gutta Music Group; correct?

23 A. Yes.

24 Q. All right. And through Team Cash Gutta Music Group, that
25 was a way to promote musicians; right?

~~GREEK - CROSS~~

1 A. Yes.

2 Q. All right. And so the promotion of musicians also
3 entailed buying T-shirts for the group and the musicians;
4 correct?

5 A. Yes.

6 Q. Hats and other performance items that an individual would
7 wear; correct?

8 A. Merchandise, yes.

9 Q. Right. Okay.

10 And you were shown actually a photograph by the Government
11 which I'm going to show you. It's GP-5-A.

12 And this was actually at the white party, the all-white
13 party; correct?

14 A. Yes.

15 Q. All right. Which you were present at. We see you right
16 here in front (indicating); correct?

17 A. Yes.

18 Q. And you actually have one of those T-shirts on; right?
19 The Team Cash GMG T-shirts; correct?

20 A. Yes.

21 Q. All right. And I'm going to show you another photograph
22 which I've already shown to Government counsel and to other
23 defense counsel. Marking this as Defendant's Corloyd Anderson
24 Exhibit 2, and this is another photograph from the all-white
25 party; correct?

~~GREEK - CROSS~~

1 A. Yes.

2 Q. All right. And this was out in Virginia; is that right?

3 A. I believe so.

4 Q. Right. And this was basically the group of friends that
5 you were with when you went -- when you were at that party.

6 A. Yes. That's -- yep, this is who all went to the party.

7 Q. Right. And in this picture we see you all the way in the
8 back with -- you're the one with your hands up in the air
9 (indicating); right?

10 A. I'm probably drunk by this point.

11 Q. Okay. But --

12 A. Yeah.

13 Q. But that is you; right?

14 A. Yes.

15 Q. So at this party there was drinking going on?

16 A. A lot of drinking.

17 Q. A lot of drinking going on. All right.

18 And I want to ask you, you haven't -- in the first
19 photograph we see this individual in the Government's GP-5-A
20 with his hand out front (indicating). And I'm going to show
21 you on Defense Exhibit No. 2, when you're looking at the photo,
22 the individual at the far left with his baseball hat turned
23 back, he was with your group of friends; correct?

24 A. Yes.

25 Q. All right. And you know who that person is; right?

~~GREEK - CROSS~~

1 A. Yes.

2 Q. All right. And he goes by the name of Bo; right?

3 A. Bowl.

4 Q. Bowl?

5 A. He told me his name Bowl.

6 Q. Say that again. I didn't hear you.

7 A. Bowl.

8 Q. Right. Bo.

9 A. Yeah. B-O-W-L.

10 Q. Okay. And it's -- say that again. B-O --

11 A. -- W-L.

12 Q. All right. And people pronounce it "Bowl"?

13 A. I -- I don't know. That's what he told me.

14 Q. Well, that's how you pronounced it.

15 A. He told me named Bowl. I call him Bowl.

16 Q. Okay. All right. I'm also going to show you what
17 Government showed you -- I can't remember if it was yesterday
18 or today -- Government's Exhibit IC-59.

19 Do you recognize that photograph?

20 A. Yes.

21 Q. All right. And we see Mr. Anderson seated here
22 (indicating)?

23 A. Yes.

24 Q. All right. And you know that this was at a bowling alley,
25 this location? You don't know?

~~GREEK - CROSS~~

1 **A.** No, I don't know the location of the photo.

2 **Q.** You have no idea the location of this place. You have no
3 idea when it was taken; correct?

4 **A.** No idea.

5 **Q.** Okay. And we see Mr. Anderson here clearly looking at his
6 phone in this photograph?

7 **A.** Yeah.

8 **Q.** Right? He's looking down. He's looking at his phone;
9 correct?

10 **A.** Uh-huh.

11 **Q.** And, again, there's -- guess what. There's drinking going
12 on; right?

13 **A.** Yeah.

14 **Q.** Okay.

15 **MS. AMATO:** Court's indulgence.

16 All right, Your Honor. I have no further questions.
17 Thank you.

18 **THE COURT:** All right. Thank you.

19 **MR. HAZLEHURST:** Your Honor, I believe all the
20 questions that Mr. Davis would put to this witness have been
21 asked by other counsel, so we will defer.

22 **THE COURT:** All right. Thank you.

23 And then let me just see if there is any redirect.

24 **MS. HOFFMAN:** Your Honor, I actually do not have any
25 redirect.

1 **THE COURT:** Thank you very much.

2 All right. This witness is excused.

3 (Witness excused.)

4 **THE COURT:** Could I see counsel just briefly on
5 scheduling.

6 (Bench conference on the record:

7 **THE COURT:** I'm just curious if we have another
8 witness. Do we have somebody ready to go?

9 **MS. PERRY:** We have Officer Anthony Carrai, as well as
10 a Medical Examiner, Pamela Southall. And we also have the
11 Homicide detective here who we may or may not get to. We were
12 actually just debating the two witnesses to call first.

13 **MS. HOFFMAN:** Unfortunately, we did not get
14 stipulations by everybody to the drug stipulation. There's two
15 holdouts.

16 **THE COURT:** Two holdouts. Okay. All right.

17 **MS. HOFFMAN:** The doctor, yeah, she's got to get out
18 of here.

19 There are . . .

20 There are eight autopsy photos that we intend to use
21 with Dr. Southall. Defense has them. Two of them are
22 tattoo-related. One is a face ID and then five of the wounds.
23 For this particular murder, we do care about the wounds because
24 of the description by the witness. And there's also a
25 jail call that's relevant to the number of wounds, so we would

1 like to be able to show those eight.

2 **THE COURT:** Which victim is this?

3 **MS. HOFFMAN:** It's the Bangout murder, James Edwards.

4 **MR. SARDELLI:** Your Honor, I'll hold out, just
5 whenever we get a chance for a restroom break.

6 **THE COURT:** Oh, I'm going to do that. I just wanted
7 to be sure before we excused the jury that we had . . .)

8 (Bench conference concluded.)

9 **THE COURT:** Ladies and gentlemen, it does appear that
10 there will be some more witnesses today.

11 We are going to take a break first. Mid-afternoon
12 break. The jury is excused.

13 (Jury left the courtroom at 3:45 p.m.)

14 **THE COURT:** All right. And we will excuse the
15 gallery.

16 We'll take the mid-afternoon break.

17 (Recess taken.)

18 **THE COURT:** All right. Ready for the jury?

19 **MS. HOFFMAN:** I think so.

20 (Pause.)

21 (Jury entered the courtroom at 4:07 p.m.)

22 **THE COURT:** All right. Welcome back.

23 If you'd like to call your next witness.

24 **MS. HOFFMAN:** The Government calls
25 Dr. Pamela Southall.

~~SOUTHALL, M.D. - DIRECT ON VOIR DIRE~~

THE CLERK: Please raise your right hand.

PAMELA SOUTHALL, M.D., GOVERNMENT'S WITNESS, SWORN.

THE CLERK: Please be seated.

THE WITNESS: Thank you.

THE CLERK: Please speak directly into the microphone.
State and spell your full name for the record, please.

THE WITNESS: My name is Dr. Pamela E. Southall.

Pamela, P-A-M-E-L-A; Southall, S as in Sam, O-U-T as in Tom,
H-A-L-L.

THE CLERK: Thank you.

THE WITNESS: You're welcome.

DIRECT EXAMINATION ON VOIR DIRE

BY MS. HOFFMAN:

Q. Good afternoon, Dr. Southall.

A. Good afternoon.

Q. Where do you work?

A. I work at the Office of the Chief Medical Examiner for the
State of Maryland.

Q. And what do you do there?

A. I am Deputy Chief Medical Examiner.

Q. How long have you worked at the Office of the Chief
Medical Examiner?

A. Since 2003.

Q. Did you go to medical school?

A. Yes, I did.

1 Q. Where did you go to medical school?

2 A. I attended Howard University College of Medicine. And
3 after getting my degree in medicine, I did specialized training
4 in the field of pathology. So my residency was done in the
5 field of pathology at the University of Maryland Medical Center
6 in Baltimore.

7 And after completing my residency, I did a year of
8 subspecialized training at the Office of the Chief Medical
9 Examiner for the State of Maryland. And I've been there ever
10 since.

11 Q. Have you received specialized training in the field of
12 forensic pathology?

13 A. Yes.

14 Q. And does that involve conducting autopsies?

15 A. Yes, it does.

16 Q. In your time with the Office of the Chief Medical
17 Examiner, how many autopsies have you conducted?

18 A. Over 4,000.

19 Q. And have you ever been qualified as an expert in the field
20 of forensic pathology?

21 A. I have.

22 Q. About how many times?

23 A. Over 200 times now.

24 MS. HOFFMAN: Your Honor, at this point I'd like to
25 offer Dr. Southall as an expert in forensic pathology.

~~SOUTHALL, M.D. - DIRECT~~

MS. WHALEN: No objection.

THE COURT: Hearing no objections, based on the witness's training and education and experience, I will find her qualified to give opinion testimony in the field of forensic pathology.

DIRECT EXAMINATION

BY MS. HOFFMAN:

Q. Dr. Southall, can you describe what's involved in an autopsy.

A. Sure. An autopsy is basically a postmortem examination based on scientific principles and procedures that is used to either study a known cause of death or to determine a cause of death if it's unknown.

Particular to a forensic autopsy, photographs can be taken. Tissue samples and blood and other fluid samples can be utilized for toxicology analysis. And then we complete the autopsy and generate an autopsy report.

Q. I want to direct your attention to February 12th of 2015.

A. Okay.

Q. Did you conduct an autopsy of an individual named James Edwards on that date?

A. Yes.

Q. And did you write a report based on your findings?

A. Yes.

Q. And I'd like to show you for identification only

~~SOUTHALL, M.D. - DIRECT~~

1 Government's Exhibit AUT-2 (handing).

2 A. Thank you.

3 Q. Is that a copy of the autopsy report for Mr. Edwards?

4 A. Yes, it is, along with the toxicology report and copies of
5 photographs that were taken at the time of autopsy.

6 Q. In the course of your autopsy, did you find evidence of
7 injury to Mr. Edwards?

8 A. Yes.

9 Q. What type of injury?

10 A. Gunshot wounds were noted on the body of Mr. Edwards.
11 There were a total of five gunshot wounds that were noted. Two
12 were to the left temple. One was to the left cheek. A
13 gunshot wound was to the left side of his chest, and another
14 was to the left side of his back.

15 Q. Did you -- or were pictures taken during the course of the
16 autopsy to document what you had found?

17 A. Yes.

18 Q. I'd like to show you Government's Exhibit AUT-2-A.

19 MS. HOFFMAN: And this will be an autopsy photo.

20 THE COURT: Autopsy photograph. All right.

21 BY MS. HOFFMAN:

22 Q. Can you tell us what we're looking at here.

23 A. Yes. This is what we call an identification photograph.
24 It shows the decedent's face. We can also see the
25 gunshot wound to the left side of his -- or to his left cheek.

~~SOUTHALL, M.D. - DIRECT~~

1 Q. And is this Mr. Edwards here?

2 A. Yes, it is.

3 Q. I'm going to show you Government's Exhibit AUT-2-B.

4 Can you tell us what we're looking at here.

5 A. Yes. This is the left side of Mr. Edwards' head. We can
6 see two gunshot wounds on his left temple and a gunshot wound
7 on his left cheek.

8 Q. And are you able to tell whether those are entrance or
9 exit wounds?

10 A. Yes. All three of them are entrance wounds.

11 Q. I'm going to show you Government's Exhibit AUT-2-C.

12 Can you tell us what we're looking at here.

13 A. Yes. This is the front of -- or the anterior torso of
14 Mr. Edwards. We can also see part of his face as well as the
15 gunshot wound to the left cheek.

16 We --

17 Q. Would you mind reading, if you can, to the best of your
18 ability, the tattoo that's across Mr. Edwards' chest.

19 A. Sure. To me it looks like Bangs -- or Bang, B-A-N-G, out,
20 O-U-T.

21 Q. I'm going to show you Government's Exhibit AUT-2-D.

22 AUT-2-D. I apologize.

23 And is this also Mr. Edwards in this photo?

24 A. Yes. This is another tattoo. This is on his left
25 forearm.

~~SOUTHALL, M.D. - DIRECT~~

1 Q. And would you mind reading that tattoo for us.

2 A. Sure. To me it looks like it's spelling "Crip Killa."

3 Q. I'm going to show you Government's Exhibit AUT-2-E.

4 Can you tell us what we're looking at here.

5 A. Yes. This is the left side of Mr. Edwards' chest, so we
6 see the gunshot entrance wound that's on the left side of the
7 chest. He also had some therapeutic intervention. So we see a
8 surgical -- a freshly sutured surgical incision in this photo.

9 Q. And I'll show you Government's Exhibit AUT-2-F.

10 Can you tell us what we're looking at here.

11 A. Yes. This is a picture of Mr. Edwards on his stomach, and
12 we can see the left side of his back. This is the entrance
13 wound to the left side of his back, and we can also see the
14 gunshot -- a portion of the gunshot entrance wound that's on
15 the left side of his chest (indicating).

16 Q. I'm going to show you Government's Exhibit AUT-2-G.

17 What are we looking at here?

18 A. This is an exit wound that is associated with one of the
19 gunshot wounds. It's on the left temple. So the bullet
20 crossed from the left side of his head over to the right side
21 of his head and exited on the bony protuberance behind his
22 right ear (indicating).

23 Q. And, finally, Government's Exhibit AUT- -- I'm sorry,
24 AUT-2-H.

25 What are we looking at here?

~~SOUTHALL, M.D. - DIRECT~~

1 **A.** This photograph is showing an exit wound on the right side
2 or the upper right side of Mr. Edwards' back. That is
3 associated to the entrance wound on the left side of his chest.

4 **Q.** Did you recover any evidence during the course of the
5 autopsy?

6 **A.** Yes, I did.

7 **Q.** Can you tell us what was recovered.

8 **A.** I recovered ballistic evidence. There were three bullets
9 that were recovered from the various gunshot wounds. One of
10 the gunshot wounds to the left temple (indicating) was
11 associated with recovery of a bullet.

12 The gunshot wound to the left cheek (indicating) was
13 associated with the recovery of a bullet. And then the
14 gunshot wound to the left back was associated with the recovery
15 of a bullet.

16 **Q.** And did you recover nail clippings and swabs during the
17 autopsy?

18 **A.** In this particular case, his fingernails were very, very
19 short. They were too short to clip. So I did swabs of the
20 fingertips.

21 **Q.** And what's the purpose of taking swabs?

22 **A.** Well, instead -- in lieu of the fingernails that are often
23 requested by the police agency -- they want to match DNA. So
24 if it's available, we will clip the fingernails. But, as I
25 stated, his were so short, so I just decided to swab instead.

~~SOUTHALL, M.D. - DIRECT~~

1 Q. Were you able to determine -- or I should ask: Was there
2 any evidence of close-range firing in this case?

3 A. Yes, there was evidence of close-range firing that was
4 associated with the gunshot wound on the left cheek.

5 Q. And can you explain, first of all, what close-range firing
6 is. What -- in terms of distance, what counts as close-range
7 firing?

8 A. Sure. One of the things that we do document is either the
9 presence or the absence of close-range firing of a firearm. So
10 basically, what we look for is soot, black, powdery residue
11 that exits the muzzle of a gun. It can be present on a target.
12 Or -- and/or what we call gunpowder stippling.

13 So we -- gunpowder stippling is described as unburnt
14 flakes of gunpowder that actually impact and scrape against the
15 skin, surrounding the entrance defect. And it looks like
16 little pinpoint dots, if you will, just caused by the unburnt
17 flakes of gunpowder that scrape the skin.

18 So if we see soot -- we can, generally speaking, see soot
19 anywhere from contact range, the muzzle in direct contact with
20 the target out to about 6 inches or so, depending on the weapon
21 and the ammunition used and various factors.

22 As the muzzle of the gun increases in distance from the
23 target, the soot will dissipate, but we will see gunpowder
24 stippling, which would be more evident.

25 And we can see the gunpowder stippling anywhere from

~~SOUTHALL, M.D. - DIRECT~~

1 approximately 6 to 8 inches away, out to about a foot and a
2 half to 2 feet away from the target.

3 Q. And what did you see in this case? Was it stippling?

4 A. It was stippling, yes.

5 Q. And so what does that indicate to you?

6 A. It indicates that there was evidence of close-range
7 discharge of a firearm. I did not see soot, so stippling was
8 only noted. And in general terms, again, it's anywhere from
9 6 to 8 inches to a foot, foot and a half to 2 feet distance.

10 Q. Dr. Southall, did you form an opinion as to the cause of
11 death in this case?

12 A. Yes.

13 Q. And what was it?

14 A. Multiple gunshot wounds.

15 Q. Did you form an opinion as to the manner of death?

16 A. I did.

17 Q. And what was it?

18 A. Homicide.

19 MS. HOFFMAN: Thank you very much. I have no further
20 questions.

21 THE WITNESS: Thank you.

22 THE COURT: Ms. Whalen.

23 MS. WHALEN: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. WHALEN:

Q. Good afternoon, Doctor. Just a few questions.

A. Good afternoon.

Q. With regard to the stippling that you told us about --

A. Yes.

Q. -- within that range that you have determined --

A. Yes.

Q. -- 6 inches up to 2 feet --

A. Yes.

Q. -- there's no scientific test that allows you to say anything other than the range; is that correct?

A. For me, as the Medical Examiner, that's all I can speak to.

Q. Okay. So I guess the answer is: From your field, there is no other particular way to determine how close or how far, within that range; is that correct?

A. That's correct. That's correct.

Q. And then the order of the shots, there's no way to determine whether one came before the other; is that correct?

A. I can only speak to the fact that they all show vital reaction, meaning that they all were associated with hemorrhage. The ones -- there was one that -- to the left side of the chest that injured vital structures. And, of course, the ones to the left side of the -- or the left temple

1 (indicating) definitely injured the brain and the brainstem, so
2 vital injuries were sustained there.

3 I can't speak to the absolute order, but I can speak to
4 vital structures that were injured.

5 Q. All right. And were you able to do a toxicology screen?

6 A. Yes.

7 Q. And what was your determination?

8 A. The toxicology screen was negative for alcohol and
9 drugs --

10 Q. And, finally --

11 A. -- in the blood, rather.

12 Q. In the blood?

13 A. Yes.

14 Q. Thank you.

15 And, finally, with the swabbing of the fingernails, you
16 simply turn that over to a Homicide detective to do with
17 whatever they deem they can do with it; is that correct?

18 A. That's correct.

19 MS. WHALEN: Thank you, Doctor.

20 THE WITNESS: You're welcome.

21 THE COURT: Anybody else?

22 (No response.)

23 THE COURT: Any redirect?

24 MS. HOFFMAN: Oh, I'm sorry. No redirect. Thank you.

25 THE COURT: Thank you very much, Doctor.

~~CARRAI - DIRECT~~

THE WITNESS: Thank you, Your Honor.

THE COURT: You are excused.

(Witness excused.)

THE COURT: All right. Thank you.

Do you have another witness?

MS. PERRY: Yes, Your Honor. At this point the Government calls Officer Anthony Carrai.

THE CLERK: Please raise your right hand.

POLICE OFFICER ANTHONY CARRAI, GOVERNMENT'S WITNESS,
SWORN.

THE CLERK: Please be seated.

Please speak directly into the microphone.

State and spell your full name for the record, please.

THE WITNESS: Anthony Carrai.

THE CLERK: Spell --

THE WITNESS: I'm sorry. C-A-R-R-A-I. First name is
A-N-T-H-O-N-Y.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. PERRY:

Q. Good afternoon.

A. Good afternoon.

Q. With what law enforcement agency do you work?

A. Bowie.

Q. And how long have you been with the

~~CARRAI - DIRECT~~

1 Bowie Police Department?

2 **A.** About four -- three, four years.

3 **Q.** Where were you working before you joined the

4 Bowie Police Department?

5 **A.** Baltimore City.

6 **Q.** And that was with the Baltimore City Police Department?

7 **A.** Yes, ma'am.

8 **Q.** How long were you an officer with the Baltimore City

9 Police Department?

10 **A.** About three years.

11 **Q.** Would that have made you a Baltimore police officer from

12 around 2013 to 2015?

13 **A.** Yes, ma'am.

14 **Q.** And what was your unit and title while you were with the

15 Baltimore Police Department?

16 **A.** I was an officer, and I was with the patrol.

17 **Q.** Were you in a particular area of the city?

18 **A.** The Southwest District.

19 **Q.** Now, I want to direct your attention back to February of

20 2015. Were you with the Southwest District patrol then?

21 **A.** Yes, ma'am.

22 **Q.** What area of Baltimore did you cover with the

23 Southwest District patrol, just generally?

24 **A.** Edmondson Avenue, Frederick Avenue, North Forest Park

25 Drive.

~~CARRAI - DIRECT~~

1 Q. What kinds of cases were you assigned to?

2 A. Domestics, shootings, stabbings, any kind of complaint.

3 Q. Anything that might come over routine patrol?

4 A. Yes, ma'am.

5 Q. And did your routine patrol take you in the area of
6 Forest Park and Windsor Mill?

7 A. Yes, ma'am.

8 Q. And what is at that particular location?

9 A. A gas station.

10 Q. So I want to direct your attention to February 8th of
11 2015. Were you working on that particular day?

12 A. Yes, ma'am.

13 Q. And did there come a time where you were assigned to
14 investigate or assigned to go to the gas station at
15 Windsor Mill and Forest Park?

16 A. Yes, ma'am.

17 Q. What was the nature of your investigation?

18 A. It was a call for sounds of gunshots.

19 Q. What time were the gunshots reported?

20 A. I believe it was around 22:00 hours, 10 o'clock at night.

21 Q. And did you actually respond to that location?

22 A. I responded to the house next to the gas station.

23 Q. What time did you arrive at the house near the gas
24 station?

25 A. About 10:05, 22:05.

~~CARRAI - DIRECT~~

1 Q. And what did you do when you arrived at that location?

2 A. I spoke to the complainant, and he advised me what
3 happened.

4 Q. Okay. First, I want to show you Government's Exhibit
5 MAP-23.

6 Do you recognize what we're looking at here?

7 A. Yes, ma'am.

8 Q. What is this?

9 A. That's the gas station at that intersection.

10 Q. And you said you responded to a house located nearby.

11 What is -- can you show us using

12 Government's Exhibit MAP-23 where that house was located.

13 A. Sure. It's the house to the left of the gas station
14 (indicating).

15 Q. Now, I want to show you Government's Exhibit MAP-6.

16 What are we looking at here?

17 A. That's the house that I pointed out. The gas station's
18 towards the middle, and the house is on the left.

19 Q. When you went to this location, did you speak to the
20 individual inside?

21 A. Yes, ma'am.

22 Q. And what did you do after you spoke to him?

23 A. Judging by where the bullet hole was in his window, we
24 checked out the neighboring gas station to see if that's where
25 the shots came from.

CARRAI - DIRECT

1 Q. So starting with the window, did he point you or did you
2 go to a particular portion of -- part of his house?

3 A. So after I met him, he took me upstairs and showed me the
4 window where there was a bullet hole.

5 Q. And where was that window facing?

6 A. The gas station. I think it's the east side of the house.

7 Q. After you saw the hole in the window, where did you go?

8 A. I went to the gas station at that point.

9 Q. And what did you do when you arrived at the gas station?

10 A. I canvassed the area to see if I could find any evidence
11 of discharging.

12 Q. And what did you observe?

13 A. I found shell casings and a bullet fragment and a live
14 round on the floor.

15 Q. And can you describe where in relation -- where those were
16 in the area.

17 A. So next to one of the pumps. It's a little hard to -- it
18 was on the ground next to the pumps, in a general same area.

19 Q. I'm going to turn back to MAP-23. Using MAP-23, can you
20 give us a general area of where the casings that you described
21 were.

22 A. So they were around this area on the ground somewhere
23 (indicating).

24 Q. And what did you do with those items that you saw there?

25 A. I collected them and then submitted them to Evidence.

~~CARRAI - DIRECT~~

1 Q. I'd like to approach and show you what's been marked as
2 F-3 (handing).

3 Taking a look at Government's Exhibit F-3, do you
4 recognize this item?

5 A. Yes, ma'am.

6 Q. What is it?

7 A. It appears to be the envelope where I submitted the
8 shell casings and the live round and the fragment.

9 Q. I'm going to show you Government's Exhibit F-3-A.

10 Can you tell me what we're looking at here.

11 A. Those are the shell casings and the live round that was
12 recovered.

13 Q. This is a photograph of what's contained in Government's
14 Exhibit F-3?

15 A. Yes, ma'am.

16 Q. Officer Carrai, did you later learn that there had been
17 a -- that there was a video that captured the time of this
18 particular incident?

19 A. I'm sorry. Can you repeat the question.

20 Q. Did there come a time when you learned that there was a
21 video that had captured a portion of the incident from this
22 particular night?

23 A. Yes, ma'am.

24 Q. And have you seen that video before coming to court today?

25 A. Yes, ma'am.

~~CARRAI - DIRECT~~

1 Q. So I just want to show you what's already in evidence as
2 Government's Exhibit SF-4.

3 And I'm not going to play the video for you. I'm just
4 going to move the video ahead until about 36 minutes into the
5 video.

6 And pausing here, first of all, do you recognize what
7 we're looking at here on the screen?

8 A. Yes, ma'am. It's a video of the BP station, the gas
9 station.

10 Q. And can you read the date at the bottom here.

11 A. February 8th, 2015.

12 Q. Now, have you been able to determine which portion of the
13 video we're looking at here?

14 A. Yeah. Where it's facing is your question? Yes.

15 Q. And do you know, is this the portion of the video in which
16 there appears to be a discharging, based on your review of the
17 video?

18 A. Yes, ma'am.

19 Q. And looking down at the timestamp, can you tell us what
20 that time says.

21 A. It says 11:05 p.m.

22 Q. And I believe you testified earlier that you arrived at
23 the gas station around 10:05 p.m. What can you tell us about
24 the timestamp, based on that?

25 A. It appears the time is off by approximately an hour.

~~CARRAI - CROSS~~

MS. PERRY: Court's indulgence.

BY MS. PERRY:

Q. And just to be clear, is it -- do you believe the timestamp to be ahead by an hour?

A. Yes. The timestamp on the video appears to be ahead by an hour.

MS. PERRY: Nothing further. Thank you.

THE COURT: All right. Thank you.

Ms. Whalen.

MS. WHALEN: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. WHALEN:

Q. Good afternoon, Officer.

A. Good afternoon, ma'am.

Q. Starting with that video --

A. Yes, ma'am.

Q. -- did you go back the next day and retrieve a copy of a video?

A. I did not retrieve the copy of the video, ma'am.

Q. All right. But did you at some point write a report with regard to this incident?

A. Yes.

Q. And did you indicate that you thought there may be a video and you were going to go back the next day to try to retrieve it?

~~CARRAI - CROSS~~

1 A. No. I had written that the clerk advised that there was a
2 video and that the supervisor at the time would go back and get
3 it or someone else would.

4 Q. Okay. Wonderful.

5 And so since that time, you've been shown this video;
6 right?

7 A. Yes, ma'am.

8 Q. And you don't have any specific -- I mean, you weren't
9 there when the events we see on the video were depicted; right?

10 A. No.

11 Q. You were called in after; right?

12 A. Yes, ma'am.

13 Q. Okay. So you don't have personal knowledge of anything
14 that was going on that's depicted in the video; right?

15 A. As if I was physically there? No.

16 Q. So the timestamp, you were told that that's off, right, by
17 an hour?

18 A. No. Judging by my report and the video, it appears that
19 the timestamp is off.

20 Q. Okay. And that assumes that what is depicted in the video
21 is actually the events of that night; right?

22 A. Yes, ma'am.

23 Q. Now, you were shown MAP-23. I'm going to show that to you
24 again. Let's see.

25 And, sir, you indicated that the casings and the live

~~CARRAI - CROSS~~

1 bullet that you found were somewhere in this general area
2 (indicating); is that correct?

3 **A.** If I may.

4 **Q.** Sure. Please do.

5 **A.** I believe they were about around right here (indicating).
6 It was quite a while ago, but it was on the floor around one of
7 the pumps is where I recovered them from.

8 **Q.** And you've indicated a circle there that is somewhat to
9 the left of the first pump that we see; correct?

10 **A.** Yes.

11 **Q.** Okay. Now, were they -- on which side of those bushes,
12 please?

13 **A.** Underneath the awning there. The BP awning, they would be
14 underneath there.

15 **Q.** Did you take photographs of the items that you collected
16 at the scene?

17 **A.** No, ma'am.

18 **Q.** Did you call Crime Scene to do so?

19 **A.** No, ma'am.

20 **Q.** And when I say "Crime Scene," I mean like your crime scene
21 technicians or --

22 **A.** No, ma'am.

23 **Q.** Okay. And . . .

24 **MS. WHALEN:** Sir, I think that's all I have.

25 Thank you.

~~CARRAI - REDIRECT~~

THE WITNESS: You're very welcome.

THE COURT: Thank you.

MS. WHALEN: Thank you, Your Honor.

THE COURT: Anyone else?

MR. TRAINOR: No questions.

THE COURT: Any redirect?

MS. PERRY: Just briefly, Your Honor.

REDIRECT EXAMINATION

BY MS. PERRY:

Q. Officer Carrai, as you sit here today, I believe you testified that you believe that the casings were in the area that you circled.

Do you have a specific memory of where exactly at the gas station the casings were recovered?

A. I don't remember exactly at the station.

Q. But is your memory that they were near one of the gas pumps?

A. Absolutely, yes.

MS. PERRY: Thank you.

THE COURT: Okay. Thank you very much, sir. You are excused.

THE WITNESS: Thank you, Your Honor.

(Witness excused.)

THE COURT: Would you like to call another witness?

MS. PERRY: Your Honor, at this point the Government

~~KAZMAREK - DIRECT~~

calls Detective Chris Kazmarek.

THE CLERK: Please raise your right hand.

DETECTIVE CHRISTOPHER KAZMAREK, GOVERNMENT'S WITNESS,
SWORN.

THE CLERK: Please be seated.

Please speak directly into the microphone. State and
spell your full name for the record, please.

THE WITNESS: Christopher, C-H-R-I-S-T-O-P-H-E-R;
Kazmarek, K-A-Z-M-A-R-E-K.

DIRECT EXAMINATION

BY MS. PERRY:

Q. Good afternoon.

A. Good afternoon, ma'am.

Q. With which law enforcement agency are you employed?

A. Baltimore City Police Department.

Q. How long have you been with the Baltimore City Police
Department?

A. A little over 18 years.

Q. And what is your title there?

A. Detective.

Q. With which unit do you work?

A. The Homicide Unit.

Q. How long have you been a Homicide detective?

A. A little over ten years.

Q. And over the course of your approximately ten years as a

~~KAZMAREK - DIRECT~~

1 Homicide detective, how many homicides have you investigated as
2 the lead or primary detective?

3 A. 61.

4 Q. And have you assisted in other homicide investigations?

5 A. Yes.

6 Q. Approximately how many?

7 A. Probably double than what I've been the primary on, at
8 least.

9 Q. Detective, I want to direct your attention to
10 February 12th of 2015. Were you assigned to a homicide that
11 occurred on that particular day?

12 A. Yes.

13 Q. Who was the victim?

14 A. James Edwards.

15 Q. I'm going to show you Government's Exhibit IND-27.

16 Do you recognize the -- just a moment.

17 Do you recognize that person on the screen?

18 A. Yes, ma'am.

19 Q. Who is this?

20 A. James Edwards.

21 Q. And did he go by any nicknames?

22 A. Yes; Bangout.

23 Q. Approximately what time did you get the call about the
24 homicide on February 12th of 2015.

25 A. We were contacted about 1:05 a.m.

~~KAZMAREK - DIRECT~~

1 Q. And did you learn the location of the homicide?

2 A. Yes.

3 Q. Where was that?

4 A. The 300 block of Collins Avenue.

5 Q. Did you respond to the 300 block of Collins Avenue?

6 A. Yes, ma'am.

7 Q. And about what time did you arrive?

8 A. I believe it was about 1:39 a.m.

9 Q. Can you describe for us generally what the 300 block of
10 Collins Avenue is like.

11 A. It's a residential block. It's just -- just below
12 Frederick Avenue. Houses on both sides. I believe the one --
13 the opposite side of the street from where the incident
14 happened, there was like a vacant lot or two, but just a
15 general residential block.

16 Q. I want to show you Government's Exhibit MAP-7.

17 Can you tell us what we're looking at here.

18 A. It's an aerial view of the 300 block of Collins Avenue and
19 the general -- the surrounding streets.

20 Q. And can you just indicate where on the 300 block the
21 homicide occurred.

22 A. Right where the red dot is.

23 Q. Detective, before you received the call and went to the
24 300 block of Collins, had the incident been reported to 9-1-1?

25 A. Yes.

~~KAZMAREK - DIRECT~~

1 Q. Approximately what time did the first 9-1-1 call come in?

2 A. I believe it was right around 1:00 a.m.

3 Q. I want to show you what's been marked as
4 Government's Exhibit CAD-2-A and B. (Handing.)

5 Do you recognize this disc?

6 A. Yes.

7 Q. And does it contain certified records of 9-1-1 calls kept
8 by the Baltimore Police Department?

9 A. Yes, ma'am.

10 Q. So I want to play for you the first call,
11 Government's Exhibit CAD-2-A. And this can be found in the
12 transcript -- in the transcript binders in the 9-1-1 call tab
13 on Page 6.

14 (Audio was played but not reported.)

15 MS. PERRY: I'm going to stop it there and turn to
16 CAD-2-B. And the transcript for this call is found on Page 9
17 of the 9-1-1 call tab.

18 (Audio was played but not reported.)

19 BY MS. PERRY:

20 Q. Detective, when you got to the 300 block of Collins Avenue
21 around 1:30 a.m. on February 12th, was there anyone else there?

22 A. Yeah. There were police officers out there.

23 Q. And upon your arrival, what did you observe?

24 A. I observed blood on the sidewalk, several shell casings,
25 and then several live shells.

~~KAZMAREK - DIRECT~~

1 Q. Was the victim still at the location when you arrived?

2 A. No, ma'am.

3 Q. Did you ultimately attend the autopsy for the victim?

4 A. Yes.

5 Q. And just generally, what were the nature of the injuries
6 to Mr. Edwards?

7 A. Well, he had several gunshot wounds to the head/face area
8 and I believe two to the torso, one -- or one to the torso and
9 one to the back.

10 Q. Detective, did you notify Mr. Edwards' family about his
11 death?

12 A. Yes.

13 Q. Who did you notify?

14 A. His mother.

15 Q. And when did you notify her?

16 A. On February 12th, 2015, at about 12:15 p.m.

17 Q. That was about 12 hours after the murder?

18 A. Yes.

19 Q. When is the identity of a homicide victim made public?

20 A. After the victim's next of kin are located and notified.

21 Q. Are the details of a homicide made public?

22 A. No; just the name, generally, and the location where it
23 happened.

24 Q. So would the number and location of gunshot wounds be made
25 public?

~~KAZMAREK - DIRECT~~

1 **A.** No, ma'am.

2 **Q.** So I want to turn back to the crime scene. And based on
3 the things you observed at the location, were you able to
4 determine where the victim's body was?

5 **A.** Yes.

6 **Q.** Can you explain.

7 **A.** We can follow the blood trail as it started in front of
8 310 Collins Avenue, and it went across the yard and into the
9 gap in between 310 and 312 Collins Avenue. And the victim came
10 to rest against the side wall of 312 Collins Avenue. That's
11 where the blood stopped, and there was a black knit hat with
12 some blood in it.

13 **Q.** Were photos taken of the location and the evidence?

14 **A.** Yes.

15 **Q.** I want to show you, first, Government's Exhibit CS-2-1.

16 Can you tell us what we're looking at here.

17 **A.** That's a picture standing from the street looking at the
18 front of 310 Collins Avenue and a partial picture of
19 312 Collins Avenue.

20 **Q.** So 310 Collins Avenue is in sort of the center of the
21 photograph, and 312 is off to the left?

22 **A.** Yes, ma'am.

23 **Q.** Now, I want to show you CS-2-2.

24 Can you tell us what we're looking at here.

25 **A.** That's a close-up that shows the blood on the sidewalk and

~~KAZMAREK - DIRECT~~

1 then some other markers which would indicate shell casings and
2 blood. And it shows 310 being the closest dwelling to the --
3 to us and 312 being the one far away to the left.

4 Q. And the blood you indicated, where is that in the
5 photograph?

6 A. In the right side of the photo and then it continued up
7 onto the two bottom steps of the 310.

8 Q. And using this photograph, can you tell us ultimately
9 where the sort of blood trail led and the victim's body
10 ultimately lie.

11 A. Do you want me to draw on it or --

12 Q. That would be -- yes, please.

13 A. Kind of went this way (indicating), across (indicating),
14 and then down (indicating).

15 Q. I want to turn to CS-2-3.

16 Can you tell us what we're looking at here.

17 A. This is another picture from in front of
18 310 Collins Avenue. It shows where the first shell or firearm
19 evidence was recovered and then the blood and just shows the
20 path of the blood trail.

21 Q. And where -- if you could indicate on the photograph,
22 where was that first ballistic evidence located?

23 A. Number 1 (indicating).

24 Q. Turning now to CS-2-4, can you tell us what we're looking
25 at here.

~~KAZMAREK - DIRECT~~

1 **A.** That's Evidence Marker No. 1. That's a live shell.

2 **Q.** Turning now to CS-2-5, what are we looking at here?

3 **A.** Another cartridge, a live cartridge.

4 **Q.** Now, when you say "a live cartridge," what do you mean?

5 **A.** Hadn't been fired.

6 **Q.** And when you described the exhibit before with the 1
7 marker as a live shell, what did you mean?

8 **A.** That it hadn't been fired yet.

9 **Q.** Turning now to CS-2-6, what are we looking at here?

10 **A.** Another close-up of the front of 310 Collins Avenue and
11 the blood on the sidewalk and then the marker that shows blood
12 on the step.

13 **Q.** Turning to CS-2-7, what are we looking at here?

14 **A.** A close-up of crime scene marker B with the blood on the
15 side -- the step of 310 Collins Avenue.

16 **Q.** Turning to CS-2-8, what are we looking at here?

17 **A.** Close-up of the crime scene markers on the -- still in the
18 front yard of 310 Collins Avenue, going to the cut in between
19 310 and 312 Collins Avenue.

20 **Q.** Turning to CS-2-9, what are we looking at here?

21 **A.** It's another close-up of Crime Scene Marker 3 with another
22 live cartridge on the ground.

23 **Q.** CS-2-10, what are we looking at here?

24 **A.** Another picture of a shell casing on the ground.

25 **Q.** And at this point you've described a shell casing. What

~~KAZMAREK - DIRECT~~

1 does that mean?

2 **A.** That it had been fired.

3 **Q.** Turning to CS-2-11, what are we looking at here?

4 **A.** Another live cartridge.

5 **Q.** CS-2-12, what are we looking at here?

6 **A.** A spent cartridge -- a spent shell casing.

7 **Q.** Turning now to CS-2-13, what are we looking at here?

8 **A.** Live cartridge.

9 **Q.** CS-2-14?

10 **A.** A live cartridge.

11 **Q.** CS-2-15, what area are we looking at here?

12 **A.** This is the break or the aisle, as they described it on
13 the 9-1-1 call, in between 310 and 312 Collins Avenue.

14 **Q.** And could you indicate on this particular photograph where
15 Mr. Edwards' body was.

16 **A.** Yeah. It was right there (indicating).

17 **Q.** So turning to CS-2-16, what are we looking at here?

18 **A.** This is a close-up of where Mr. Edwards -- Edwards was
19 found and the other evidence that was located.

20 **Q.** CS-2-17.

21 What are we looking at here?

22 **A.** A close-up of a live cartridge and blood.

23 **Q.** CS-2-18?

24 **A.** A close-up of the hat that was found where Mr. Edwards was
25 found.

~~KAZMAREK - DIRECT~~

1 Q. And based on where the hat was located, what did you
2 believe about the hat?

3 A. That it belonged to the victim.

4 Q. Turning to CS-2-19, what are we looking at here?

5 A. Oh, a spent shell casing.

6 Q. CS-2-20, what are we looking at here?

7 A. A spent shell casing.

8 Q. CS-2-21, what are we looking at here?

9 A. This is a picture of the front steps -- or the front of
10 the house at 312 Collins Avenue. And the crime scene marker
11 there is next to a black knit hat that had three rental car
12 company logos on it.

13 Q. And using CS-2-21, can you tell us or depict -- show us in
14 this photograph where Mr. Edwards' body was.

15 A. It would have been around here (indicating).

16 Q. Turning your attention to CS-2-22, what are we looking at
17 here?

18 A. That's a close-up of the hat that was found on the front
19 porch of 312 Collins Avenue with the rental company logos on
20 it.

21 Q. And did you ultimately -- what did you ultimately do with
22 this hat?

23 A. It was collected, and we had it tested for DNA.

24 Q. Now, the shell casings and live cartridges that you
25 described earlier, were those recovered?

~~KAZMAREK - DIRECT~~

1 **A.** Yes, ma'am.

2 **Q.** I'm going to show you what's been marked as Government's
3 Exhibit F-5. (Handing.)

4 Do you recognize Government's Exhibit F-5?

5 **A.** Yes, ma'am.

6 **Q.** What is it?

7 **A.** These are the live cartridges and the spent shell casings
8 that were recovered on the crime scene.

9 **Q.** How many spent shell casings were recovered from the crime
10 scene?

11 **A.** Four.

12 **Q.** And how many live cartridges were recovered?

13 **A.** Seven.

14 **Q.** I'm going to show you Government's Exhibit F-5-A.

15 What are we looking at here?

16 **A.** That's a picture of the shell casings and the live
17 cartridges.

18 **Q.** This is just a photograph of the evidence that's in front
19 of you as F-5?

20 **A.** Yes, ma'am.

21 **Q.** I'm going to show you now Government's Exhibit F-5-B.

22 What are we looking at here?

23 **A.** That's a close-up of one of the shell casings and live
24 cartridges that were recovered at the crime scene.

25 **Q.** Now, Detective, based on your experience, why might a

~~KAZMAREK - DIRECT~~

1 live -- why would a live round be recovered at a crime scene?

2 **A.** Because the gun would have malfunctioned and would have
3 jammed. And it could have been in the process of being fired,
4 it ejects a live round. Or the person who has the gun has to
5 eject it to clear the stoppage in order to fire the gun.

6 **Q.** So those bullets would have been unfired rounds that had
7 been left at the crime scene?

8 **A.** Yes.

9 **Q.** Now, in addition to the casings and the rounds you've just
10 described, was there an additional bullet recovered?

11 **A.** There was a projectile that was recovered from the victim
12 that the medics recovered.

13 **Q.** I'm going to show you Government's Exhibit 5-C.
14 (Hanging.)

15 Can you tell us what this is.

16 **A.** This is a projectile that was recovered from the victim by
17 the paramedics on-scene.

18 **Q.** And in addition to the casings and bullets on the scene
19 and this one that's in Government's Exhibit F-5-C, did you take
20 possession of any evidence while you were at the autopsy of
21 Mr. Edwards?

22 **A.** Yes.

23 **Q.** What did you take possession of?

24 **A.** Projectiles, fingernail clippings, and a blood card.

25 **Q.** I'm going to show you Government's Exhibit F-5-D.

~~KAZMAREK - DIRECT~~

(Handing.)

Do you recognize this?

A. Yes.

Q. What is it?

A. These are the projectiles that I recovered from the Medical Examiners after the autopsy was complete of Mr. Edwards.

Q. Were these items, the bullets and the casings that were recovered from the scene, as well as the ones recovered from Mr. Edwards at the autopsy or at the hospital, were they all submitted to the Baltimore Police laboratory for testing?

A. Yes, ma'am.

Q. And we discussed the hat earlier that you described as being on the steps of 312 Collins Avenue. I believe you said that that was submitted for testing as well?

A. Yes, ma'am.

Q. Did you ultimately receive results -- some results about that particular hat?

A. Yes.

MS. PERRY: So I'd like to just put up on the screen a stipulation between the parties. I've marked it as Government's Exhibit Stip-1.

THE COURT: And just to remind the jury, a stipulation is something that's agreed to among all the parties, and so you may consider it as evidence.

~~KAZMAREK - DIRECT~~

1 **BY MS. PERRY:**

2 **Q.** Detective, I'm just putting it up here, but I will read
3 it. It says [reading]: It is agreed and stipulated between
4 the parties that the Baltimore City Police Department forensic
5 biology laboratory recovered a DNA profile from a black knit
6 hat bearing Enterprise, Alamo, and National Rental Car logos
7 that was recovered from the steps of 312 Collins Avenue on
8 February 12th of 2015. It is further stipulated that on
9 August 18th of 2016, the laboratory received a report from the
10 combined DNA index system that the DNA profile from the hat was
11 consistent with the profile of an individual named
12 Ali Abdul-Hamid.

13 **THE COURT:** Where are we?

14 **MS. PERRY:** We can break now, Your Honor.

15 **THE COURT:** You have some more?

16 **MS. PERRY:** I do have some further questions for the
17 detective.

18 **THE COURT:** Okay. All right. I think if we can do
19 that, sir, can we ask you to come back on Monday. Will you be
20 available?

21 **THE WITNESS:** Yes, ma'am, Your Honor.

22 **THE COURT:** All right. Thank you.

23 We'll excuse the witness for today.

24 (Witness excused.)

25 **THE COURT:** And, ladies and gentlemen of the jury, you

1 are being excused until Monday. As you know, please keep an
2 open mind. Don't take your notes home. Don't talk about the
3 case. Don't do any research. Just please come back Monday at
4 10 o'clock, and we will continue the evidence Monday at
5 10 o'clock.

6 Thank you very much.

7 (Jury excused at 5:02 p.m.)

8 **THE COURT:** Okay. Counsel, without necessarily
9 getting into names of witnesses, first of all, I assume that
10 the Government will make sure defense counsel knows who's up on
11 Monday.

12 And should we anticipate the ballistics issue and/or
13 any other particular issue for Monday?

14 **MS. HOFFMAN:** So we actually got word today,
15 James Wagster, unfortunately his wife recently had a serious
16 medical emergency. And so he's not available on Monday because
17 he has to take her to the hospital.

18 And so we think that he'll be coming in on Tuesday
19 instead. I apologize, but we expect that he'll be called
20 Tuesday morning.

21 **THE COURT:** All right. Well, at some point perhaps on
22 Monday, we can talk -- I mean, obviously I've read the
23 memoranda on it. I mean, I can tell you preliminarily, I think
24 what we'll be talking about is not a complete exclusion of the
25 testimony but, rather, some restrictions on the degree of

1 certainty that can be expressed when we get to him.

2 But I'll -- we can hear -- talk about it more on
3 Monday at some point.

4 Any other issues?

5 Oh, I'm sorry.

6 **MS. WHALEN:** I just wanted to follow up on that that
7 we collectively have discussed that to the extent there are
8 limitations or restrictions that we can all agree on, even --
9 and really even if the Government argues to you there shouldn't
10 be, whatever the ruling is, that we may be in a position to
11 stipulate. And I tried to draft something in handwriting
12 today. But I'll work on it over the weekend, and maybe the
13 Government will, too.

14 **MS. HOFFMAN:** We're happy to look at it. But we may
15 not be willing. I think we do want to call the ballistics
16 expert.

17 **THE COURT:** Okay.

18 **MS. HOFFMAN:** And I just want to -- I can't remember
19 if I already raised it, but we will be also calling Mat Wilde
20 to testify about cell sites either Monday or Tuesday.

21 **THE COURT:** Okay. Okay. And I've reviewed that.
22 And, again, I'll give people a chance if they want to say
23 something additional to what's in their memos, but I read them.
24 I've read the cases.

25 I don't think it's likely that we're going to be

excluding Special Agent Wilde.

Okay. Let's see. The gallery is excused.

And we will be in recess until 10 o'clock on Monday.

(Court adjourned at 5:06 p.m.)

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I, Douglas J. Zweizig, RDR, CRR, do hereby certify that the foregoing is a correct transcript from the stenographic record of proceedings in the above-entitled matter.

/s/

Douglas J. Zweizig, RDR, CRR, FCRR
Registered Diplomat Reporter
Certified Realtime Reporter
Federal Official Court Reporter
DATE: November 13, 2019

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